



Rep. Brandon W. Phelps

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LRB098 10174 MRW 46317 a

1 AMENDMENT TO SENATE BILL 2193

2 AMENDMENT NO. _____. Amend Senate Bill 2193 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Firearm Concealed Carry Act.

6 Section 5. Definitions. As used in this Act:

7 "Applicant" means a person who is applying for a license to
8 carry a concealed firearm under this Act.

9 "Board" means the Concealed Carry Licensing Review Board.

10 "Concealed firearm" means a loaded or unloaded handgun
11 carried on or about a person completely or mostly concealed
12 from view of the public or on or about a person within a
13 vehicle.

14 "Department" means the Department of State Police.

15 "Director" means the Director of the Department of State
16 Police.

1 "Handgun" means any device which is designed to expel a
2 projectile or projectiles by the action of an explosion,
3 expansion of gas, or escape of gas that is designed to be held
4 and fired by the use of a single hand. "Handgun" does not
5 include:

6 (1) a stun gun or taser;

7 (2) a machine gun as defined in item (i) of paragraph
8 (7) of subsection (a) of Section 24-1 of the Criminal Code
9 of 2012;

10 (3) a short-barreled rifle or shotgun as defined in
11 item (ii) of paragraph (7) of subsection (a) of Section
12 24-1 of the Criminal Code of 2012; or

13 (4) any pneumatic gun, spring gun, paint ball gun, or
14 B-B gun which expels a single globular projectile not
15 exceeding .18 inch in diameter or which has a maximum
16 muzzle velocity of less than 700 feet per second or which
17 expels breakable paint balls containing washable marking
18 colors.

19 "Law enforcement agency" means any federal, State, or local
20 law enforcement agency, including offices of State's Attorneys
21 and the Office of the Attorney General.

22 "License" means a license issued by the Department of State
23 Police to carry a concealed handgun.

24 "Licensee" means a person issued a license to carry a
25 concealed handgun.

26 "Municipality" has the meaning ascribed to it in Section 1

1 of Article VII of the Illinois Constitution.

2 "Unit of local government" has the meaning ascribed to it
3 in Section 1 of Article VII of the Illinois Constitution.

4 Section 10. Issuance of licenses to carry a concealed
5 firearm.

6 (a) The Department shall issue a license to carry a
7 concealed firearm under this Act to an applicant who:

8 (1) meets the requirements of this Section;

9 (2) meets the qualifications of Section 25 of this Act;

10 (3) has provided the application and documentation
11 required in Section 30 of this Act; and

12 (4) has submitted the requisite fees.

13 (b) The Department shall issue a renewal, corrected, or
14 duplicate license as provided in this Act.

15 (c) A license shall be valid throughout the State for a
16 period of 5 years from the date of issuance. A license shall
17 permit the licensee to:

18 (1) carry a loaded or unloaded concealed firearm, fully
19 concealed or partially concealed, on or about his or her
20 person; and

21 (2) keep or carry a loaded or unloaded concealed
22 firearm on or about his or her person within a vehicle.

23 (d) The Department shall make applications for a license
24 available no later than 180 days after the effective date of
25 this Act. The Department shall establish rules for the

1 availability and submission of applications in accordance with
2 this Act.

3 (e) An application for a license submitted to the
4 Department that contains all the information and materials
5 required by this Act, including the requisite fee, shall be
6 deemed completed. Except as otherwise provided in this Act, no
7 later than 90 days after receipt of a completed application,
8 the Department shall issue or deny the applicant a license.

9 (f) The Department shall deny the applicant a license if
10 the applicant fails to meet the requirements under this Act or
11 the Department receives a determination from the Board that the
12 applicant is ineligible for a license. The Department must
13 notify the applicant stating the grounds for the denial. The
14 notice of denial must inform the applicant of his or her right
15 to an appeal through administrative and judicial review.

16 (g) A licensee shall possess a license at all times the
17 licensee carries a concealed firearm except:

18 (1) when the licensee is carrying or possessing a
19 concealed firearm on his or her land or in his or her abode
20 or legal dwelling or in the abode or legal dwelling of
21 another person as an invitee with that person's permission;

22 (2) when the person is authorized to carry a firearm
23 under Section 24-2 of the Criminal Code of 2012, except
24 subsection (a-5) of that Section; or

25 (3) when the handgun is broken down in a
26 non-functioning state, is not immediately accessible, or

1 is unloaded and enclosed in a case.

2 (h) If an officer of a law enforcement agency initiates an
3 investigative stop, including but not limited to a traffic
4 stop, of a licensee who is carrying a concealed firearm, upon
5 the request of the officer the licensee shall disclose to the
6 officer that he or she is in possession of a concealed firearm
7 under this Act, present the license upon the request of the
8 officer, and identify the location of the concealed firearm.

9 (i) The Department shall maintain a database of license
10 applicants and licenses. The database shall be available to all
11 federal, State, and local law enforcement agencies, State's
12 Attorneys, the Attorney General, and authorized court
13 personnel. Within 180 days after the effective date of this
14 Act, the database shall be searchable and provide all
15 information included in the application, including the
16 applicant's previous addresses within the 10 years prior to the
17 license application and any information related to violations
18 of this Act. No law enforcement agency, State's Attorney,
19 Attorney General, or member or staff of the judiciary shall
20 provide any information to a requester who is not entitled to
21 it by law.

22 (j) No later than 10 days after receipt of a completed
23 application, the Department shall enter the relevant
24 information about the applicant into the database under
25 subsection (i) of this Section which is accessible by law
26 enforcement agencies.

1 Section 15. Objections by law enforcement agencies.

2 (a) Any law enforcement agency may submit an objection to a
3 license applicant based upon a reasonable suspicion that the
4 applicant is a danger to himself or herself or others, or a
5 threat to public safety. The objection shall be made by the
6 chief law enforcement officer of the law enforcement agency, or
7 his or her designee, and must include any information relevant
8 to the objection. If a law enforcement agency submits an
9 objection within 30 days after the entry of an applicant into
10 the database, the Department shall submit the objection and all
11 information related to the application to the Board within 10
12 days of completing all necessary background checks.

13 (b) If an applicant has 5 or more arrests for any reason,
14 that have been entered into the Law Enforcement Agencies Data
15 System (LEADS), within the 7 years preceding the date of
16 application for a license, or has 3 or more arrests within the
17 7 years preceding the date of application for a license for any
18 combination of gang-related offenses, the Department shall
19 object and submit the applicant's arrest record, the
20 application materials, and any additional information
21 submitted by a law enforcement agency to the Board. For
22 purposes of this subsection, "gang-related offense" is an
23 offense described in Section 12-6.4, Section 24-1.8, Section
24 25-5, Section 33-4, or Section 33G-4, or in paragraph (1) of
25 subsection (a) of Section 12-6.2, paragraph (2) of subsection

1 (b) of Section 16-30, paragraph (2) of subsection (b) of
2 Section 31-4, or item (iii) of paragraph (1.5) of subsection
3 (i) of Section 48-1 of the Criminal Code of 2012.

4 (c) The referral of an objection under this Section to the
5 Board shall toll the 90-day period for the Department to issue
6 or deny the applicant a license under subsection (e) of Section
7 10 of this Act, during the period of review and until the Board
8 issues its decision.

9 (d) If no objection is made by a law enforcement agency or
10 the Department under this Section, the Department shall process
11 the application in accordance with this Act.

12 Section 20. Concealed Carry Licensing Review Board.

13 (a) There is hereby created a Concealed Carry Licensing
14 Review Board to consider any objection to an applicant's
15 eligibility to obtain a license under this Act submitted by a
16 law enforcement agency or the Department under Section 15 of
17 this Act. The Board shall consist of 7 commissioners to be
18 appointed by the Governor, by and with the advice and consent
19 of the Senate, with 3 commissioners residing within the First
20 Judicial District and a commissioner residing within each of
21 the remaining Judicial Districts. No more than 4 commissioners
22 shall be of the same political party. The Governor shall
23 designate one commissioner as the Chairperson. The Board shall
24 consist of:

25 (1) one commissioner with at least 5 years of service

1 as a federal judge;

2 (2) 2 commissioners with at least 5 years of experience
3 serving as an attorney with the United States Department of
4 Justice;

5 (3) 3 commissioners with at least 5 years of experience
6 as a federal agent or employee with investigative
7 experience or duties related to criminal justice under the
8 United States Department of Justice, Drug Enforcement
9 Administration, Department of Homeland Security, or
10 Federal Bureau of Investigation; and

11 (4) one member with at least 5 years of experience as a
12 licensed physician or clinical psychologist with expertise
13 in the diagnosis and treatment of mental illness.

14 (b) Each commissioner shall serve a term that coincides
15 with the Governor's term of office and shall remain in office
16 until a newly inaugurated Governor appoints members. A newly
17 inaugurated Governor may appoint current or past
18 commissioners. The Governor shall appoint a person to fill a
19 vacancy in accordance with this Section. The Governor may
20 remove a commissioner for incompetence, neglect of duty,
21 malfeasance, or inability to serve. Commissioners shall
22 receive compensation in an amount equal to the compensation of
23 members of the Executive Ethics Commission and may be
24 reimbursed for reasonable expenses actually incurred in the
25 performance of their Board duties.

26 (c) The Board shall meet as often as necessary to consider

1 objections to applicants for a license under this Act. The
2 Chairperson shall call meetings and at the direction of the
3 Chairperson if necessary to ensure the participation of a
4 commissioner, the Board shall allow commissioner participation
5 by electronic communication. Any commissioner communicating
6 electronically shall be deemed present for purposes of
7 establishing a quorum and voting.

8 (d) The Board shall adopt rules for the conduct of
9 hearings. The Board shall maintain a record of its decisions
10 and all materials considered in making its decisions. All Board
11 decisions and voting records shall be kept confidential and all
12 materials considered by the Board shall be exempt from
13 inspection except upon order of a court.

14 (e) In considering an objection of a law enforcement agency
15 or the Department, the Board shall review the materials
16 received with the objection from the law enforcement agency and
17 the Department. By a vote of at least 4 commissioners, the
18 Board may request additional information from or the testimony
19 of a law enforcement agency or the applicant. The Board may
20 only consider information submitted by the Department, a law
21 enforcement agency, or the applicant. The Board shall review
22 each objection and determine by a majority of commissioners
23 whether an applicant is eligible for a license.

24 (f) The Board shall issue a decision within 30 days of
25 receipt of the objection from the Department. The Board need
26 not issue a decision within 30 days if:

1 (1) the Board requests information from the applicant
2 in accordance with subsection (e) of this Section, in which
3 case the Board shall make a decision within 30 days of
4 receipt of the required information from the applicant;

5 (2) the applicant agrees, in writing, to allow the
6 Board additional time to consider an objection; or

7 (3) the Board notifies the applicant and the Department
8 that the Board needs an additional 30 days to issue a
9 decision.

10 (g) If the Board determines by a preponderance of the
11 evidence that the applicant poses a danger to himself or
12 herself, others, or a threat to public safety, the Board shall
13 affirm the objection of the law enforcement agency or the
14 Department and shall notify the Department that the applicant
15 is ineligible for a license. If the Board does not determine by
16 a preponderance of the evidence that the applicant poses a
17 danger to himself or herself, others, or a threat to public
18 safety, the Board shall notify the Department that the
19 applicant is eligible for a license.

20 (h) Meetings of the Board shall not be subject to the Open
21 Meetings Act and records of the Board shall not be subject to
22 the Freedom of Information Act.

23 Section 25. Qualifications for a license.

24 The Department shall issue a license to an applicant
25 completing an application in accordance with Section 30 of this

1 Act if the person:

2 (1) is at least 21 years of age;

3 (2) has a currently valid Firearm Owner's
4 Identification Card, or meets the requirements for the
5 issuance of a Firearm Owner's Identification Card and is
6 not prohibited under the Firearm Owners Identification
7 Card Act or federal law from possessing or receiving a
8 firearm;

9 (3) has not been convicted or found guilty in this
10 State or in any other state of:

11 (A) a misdemeanor involving the use or threat of
12 physical force or violence to any person within the 5
13 years preceding the date of the license application; or

14 (B) 2 or more violations related to driving while
15 under the influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any combination
17 thereof, within the 5 years preceding the date of the
18 license application; and

19 (4) is not the subject of a pending arrest warrant,
20 prosecution, or proceeding for an offense or action that
21 could lead to disqualification to own or possess a firearm;

22 (5) has not been in residential or court-ordered
23 treatment for alcoholism, alcohol detoxification, or drug
24 treatment within the 5 years immediately preceding the date
25 of the license application; and

26 (6) has completed firearms training and any education

1 component required under Section 75 of this Act.

2 Section 30. Contents of license application.

3 (a) The license application shall be in writing, under oath
4 and penalty of perjury, on a standard form adopted by the
5 Department and shall be accompanied by the documentation
6 required in this Section and all applicable fees. Each
7 application form shall include the following statement printed
8 in bold type: "Warning: Entering false information on this form
9 is punishable as perjury under Section 32-2 of the Criminal
10 Code of 2012."

11 (b) The application shall contain the following:

12 (1) the applicant's name, current address, date and
13 year of birth, place of birth, height, weight, hair color,
14 eye color, maiden name or any other name the applicant has
15 used or identified with, and any address where the
16 applicant resided for more than 30 days within the 10 years
17 preceding the date of the license application;

18 (2) the applicant's driver's license number, state
19 identification card number, or the last 4 digits of the
20 applicant's social security number;

21 (3) a waiver of the applicant's privacy and
22 confidentiality rights and privileges under all federal
23 and state laws, including those limiting access to juvenile
24 court, criminal justice, psychological, or psychiatric
25 records or records relating to any institutionalization of

1 the applicant, and an affirmative request that a person
2 having custody of any of these records provide it or
3 information concerning it to the Department;

4 (4) an affirmation that the applicant possesses a
5 currently valid Firearm Owner's Identification Card and
6 card number if possessed or notice the applicant is
7 applying for a Firearm Owner's Identification Card in
8 conjunction with the license application;

9 (5) an affirmation that the applicant has not been
10 convicted or found guilty of:

11 (A) a felony;

12 (B) a misdemeanor involving the use or threat of
13 physical force or violence to any person within the 5
14 years preceding the date of the application; or

15 (C) 2 or more violations related to driving while
16 under the influence of alcohol, other drug or drugs,
17 intoxicating compound or compounds, or any combination
18 thereof, within the 5 years preceding the date of the
19 license application; and

20 (6) whether the applicant failed a drug test for a drug
21 for which the applicant did not have a prescription, within
22 the previous year, and if so, the provider of the test, the
23 specific substance involved, and the date of the test;

24 (7) written consent for the Department to review and
25 use the applicant's Illinois digital driver's license or
26 Illinois identification card photograph and signature, if

1 available;

2 (8) a full set of fingerprints submitted to the
3 Department in electronic format, provided the Department
4 may accept an application submitted without a set of
5 fingerprints in which case the Department shall be granted
6 30 days in addition to the 90 days provided under
7 subsection (e) of Section 10 of this Act to issue or deny a
8 license;

9 (9) a head and shoulder color photograph in a size
10 specified by the Department taken within the 30 days
11 preceding the date of the license application; and

12 (10) a photocopy or other evidence to show compliance
13 with the training requirements under this Act.

14 Section 35. Investigation of the applicant.

15 The Department shall conduct a background check of the
16 applicant to ensure compliance with the requirements of this
17 Act and all federal, State, and local laws. The background
18 check shall include a search of the following:

19 (1) the National Instant Criminal Background Check
20 System of the Federal Bureau of Investigation;

21 (2) all available state and local criminal history
22 record information files, including records of juvenile
23 adjudications;

24 (3) all available federal, state, and local records
25 regarding wanted persons;

1 (4) all available federal, state, and local records of
2 domestic violence restraining and protective orders;

3 (5) the files of the Department of Human Services
4 relating to mental health and developmental disabilities;
5 and

6 (6) all other available records of a federal, state, or
7 local agency or other public entity in any jurisdiction
8 likely to contain information relevant to whether the
9 applicant is prohibited from purchasing, possessing, or
10 carrying a firearm under federal, state, or local law.

11 Section 40. Non-resident license applications.

12 (a) For the purposes of this Section, "non-resident" means
13 a person who has not resided within this State for more than 30
14 days and resides in another state or territory.

15 (b) The Department shall establish by rule and allow for
16 non-resident license applications from any state or territory
17 of the United States with laws related to firearm ownership,
18 possession, and carrying, that are substantially similar to the
19 requirements to obtain a license under this Act.

20 (c) A resident of a state or territory approved by the
21 Department under subsection (b) of this Section may apply for a
22 non-resident license. The applicant shall apply to the
23 Department and must meet all of the qualifications established
24 in Section 25 of this Act, except for the Illinois residency
25 requirement in item (xiv) of paragraph (2) of subsection (a) of

1 Section 4 of the Firearm Owners Identification Card Act. The
2 applicant shall submit:

3 (1) the application and documentation required under
4 Section 30 of this Act;

5 (2) a notarized document stating the applicant:

6 (A) is eligible under federal law and the laws of
7 his or her state or territory of residence to own or
8 possess a firearm;

9 (B) if applicable, has a license or permit to carry
10 a firearm or concealed firearm issued by his or her
11 state or territory of residence and attach a copy of
12 the license or permit to the application;

13 (C) understands Illinois laws pertaining to the
14 possession and transport of firearms, and

15 (D) acknowledgement that the applicant is subject
16 to the jurisdiction of the Department and Illinois
17 courts for any violation of this Act; and

18 (3) a photocopy or other evidence to show compliance
19 with the training requirements under Section 75 of this
20 Act;

21 (4) a head and shoulder color photograph in a size
22 specified by the Department taken within the 30 days
23 preceding the date of the application; and

24 (5) a \$300 application fee.

25 (d) In lieu of an Illinois driver's license or Illinois
26 identification card, a non-resident applicant shall provide

1 similar documentation from his or her state or territory of
2 residence. In lieu of a valid Firearm Owner's Identification
3 Card, the applicant shall submit documentation and information
4 required by the Department to obtain a Firearm Owner's
5 Identification Card, including an affidavit that the
6 non-resident meets the mental health standards to obtain a
7 firearm under Illinois law, and the Department shall ensure
8 that the applicant would meet the eligibility criteria to
9 obtain a Firearm Owner's Identification card if he or she was a
10 resident of this State.

11 (e) Nothing in this Act shall prohibit a non-resident from
12 transporting a concealed firearm within his or her vehicle in
13 Illinois, if the concealed firearm remains within his or her
14 vehicle and the non-resident:

15 (1) is not prohibited from owning or possessing a
16 firearm under federal law;

17 (2) is eligible to carry a firearm under the laws of
18 his or her state or territory of residence; and

19 (3) is not in possession of a license under this Act.

20 If the non-resident leaves his or her vehicle unattended,
21 he or she shall store the firearm within a locked vehicle or
22 locked container within the vehicle in accordance with
23 subsection (b) of Section 65 of this Act.

24 Section 45. Civil immunity; Board, employees, and agents.
25 The Board, Department, local law enforcement agency, or

1 employees and agents of the Board, Department, or local law
2 enforcement agency participating in the licensing process
3 under this Act shall not be held liable for damages in any
4 civil action arising from alleged wrongful or improper
5 granting, denying, renewing, revoking, suspending, or failing
6 to grant, deny, renew, revoke, or suspend a license under this
7 Act, except for willful or wanton misconduct.

8 Section 50. License renewal.

9 Applications for renewal of a license shall be made to the
10 Department. A license shall be renewed for a period of 5 years
11 upon receipt of a completed renewal application, completion of
12 3 hours of training required under Section 75 of this Section,
13 applicable renewal fee, and completion of an investigation
14 under Section 35 of this Act. The renewal application shall
15 contain the information required in Section 30 of this Act,
16 except that the applicant need not resubmit a full set of
17 fingerprints.

18 Section 55. Change of address or name; lost, destroyed, or
19 stolen licenses.

20 (a) A licensee shall notify the Department within 30 days
21 of moving or changing residence or any change of name. The
22 licensee shall submit:

23 (1) a notarized statement that the licensee has changed
24 his or her residence or his or her name, including the

1 prior and current address or name and the date the
2 applicant moved or changed his or her name; and

3 (2) the requisite fee.

4 (b) A licensee shall notify the Department within 10 days
5 of discovering that a license is lost, destroyed, or stolen. A
6 lost, destroyed, or stolen license is invalid. To request a
7 replacement license, the licensee shall submit:

8 (1) a notarized statement that the licensee no longer
9 possesses the license, and that it was lost, destroyed, or
10 stolen;

11 (2) if applicable, a copy of a police report stating
12 that the license was stolen; and

13 (3) the requisite fee.

14 (c) A violation of this Section is a petty offense with a
15 fine of \$150 which shall be deposited into the Mental Health
16 Reporting Fund.

17 Section 60. Fees.

18 (a) All fees collected under this Act shall be deposited as
19 provided in this Section. Application fees shall be
20 non-refundable.

21 (b) An applicant for a new license or a renewal shall
22 submit \$150 with the application, of which \$120 shall be
23 apportioned to the State Police Firearm Services Fund, \$20
24 shall be apportioned to the Mental Health Reporting Fund, and
25 \$10 shall be apportioned to the State Crime Laboratory Fund.

1 (c) A non-resident applicant for a new license or renewal
2 shall submit \$300 with the application, of which \$250 shall be
3 apportioned to the State Police Firearm Services Fund, \$40
4 shall be apportioned to the Mental Health Reporting Fund, and
5 \$10 shall be apportioned to the State Crime Laboratory Fund.

6 (d) A licensee requesting a new license in accordance with
7 Section 55 shall submit \$75, of which \$60 shall be apportioned
8 to the State Police Firearm Services Fund, \$5 shall be
9 apportioned to the Mental Health Reporting Fund, and \$10 shall
10 be apportioned to the State Crime Laboratory Fund.

11 Section 65. Prohibited areas.

12 (a) A licensee under this Act shall not knowingly carry a
13 firearm into:

14 (1) Any building, real property, and parking area under
15 the control of an elementary or secondary school.

16 (2) Any building, real property, and parking area under
17 the control of a pre-school or child care facility,
18 including any room or portion of a building under the
19 control of a pre-school or child care facility. Nothing in
20 this paragraph shall prevent the operator of a child care
21 facility in a family home from owning or possessing a
22 firearm in the home or license under this Act, if no child
23 under child care at the home is present in the home or the
24 firearm in the home is stored in a locked container when a
25 child under child care at the home is present in the home.

1 (3) Any building, parking area, or portion of a
2 building under the control of an officer of the executive
3 or legislative branch of government, provided that nothing
4 in this paragraph shall prohibit a licensee from carrying a
5 concealed firearm onto the real property, bikeway, or trail
6 in a park regulated by the Department of Natural Resources
7 or any other designated public hunting area or building
8 where firearm possession is permitted as established by the
9 Department of Natural Resources under Section 1.8 of the
10 Wildlife Code.

11 (4) Any building designated for matters before a
12 circuit court, appellate court, or the Supreme Court, and
13 any building or portion of a building under the control of
14 the Supreme Court.

15 (5) Any building or portion of a building under the
16 control of a unit of local government.

17 (6) Any building, real property, and parking area under
18 the control of an adult or juvenile detention or
19 correctional institution, prison, or jail.

20 (7) Any building, real property, and parking area under
21 the control of a public or private hospital, mental health
22 facility, or nursing home.

23 (8) Any bus, train, or form of transportation paid for
24 in whole or in part with public funds, and any building,
25 real property, and parking area under the control of a
26 public transportation facility paid for in whole or in part

1 with public funds.

2 (9) Any building, real property, and parking area under
3 the control of an establishment that serves alcohol on its
4 premises, if more than 50% of the establishment's gross
5 receipts within the prior 3 months is from the sale of
6 alcohol.

7 (10) Any public gathering or special event conducted on
8 property open to the public that requires the issuance of a
9 permit from the unit of local government, provided this
10 prohibition shall not apply to a licensee who must walk
11 through a public gathering in order to access his or her
12 residence, place of business, or vehicle.

13 (11) Any building or real property that has been issued
14 a Special Event Retailer liquor license as defined in
15 Section 1-3.17.1 of the Liquor Control Act during the time
16 designated for the sale of alcohol by the special event
17 retailer license, or a Special Use Permit liquor license as
18 defined in subsection (q) of Section 5-1 of the Liquor
19 Control Act during the time designated for the sale of
20 alcohol by the special use permit license.

21 (12) Any public playground.

22 (13) Any public park, athletic area, or athletic
23 facility under the control of a municipality or park
24 district, provided nothing in this Section shall prohibit a
25 licensee from carrying a concealed firearm while on a trail
26 or bikeway if only a portion of the trail or bikeway

1 includes a public park.

2 (14) Any real property under the control of the Cook
3 County Forest Preserve District.

4 (15) Any building, classroom, laboratory, medical
5 clinic, hospital, artistic venue, athletic venue,
6 entertainment venue, officially recognized
7 university-related organization property, whether owned or
8 leased, and any real property, including parking areas,
9 sidewalks, and common areas under the control of a public
10 or private community college, college, or university.

11 (16) Any building, real property, or parking area under
12 the control of a gaming facility licensed under the
13 Riverboat Gambling Act or the Illinois Horse Racing Act of
14 1975, including an inter-track wagering location licensee.

15 (17) Any stadium, arena, or the real property or
16 parking area under the control of a stadium, arena, or any
17 collegiant or professional sporting event.

18 (18) Any building, real property, or parking area under
19 the control of a public library.

20 (19) Any building, real property, or parking area under
21 the control of an airport.

22 (20) Any building, real property, or parking area under
23 the control of an amusement park.

24 (21) Any building, real property, or parking area under
25 the control of a zoo or museum.

26 (22) Any area where firearms are prohibited under

1 federal law.

2 (a-5) Nothing in this Act shall prohibit a public or
3 private community college, college, or university from:

4 (1) prohibiting persons from carrying a firearm within
5 a vehicle owned, leased, or controlled by the college or
6 university;

7 (2) developing resolutions, regulations, or policies
8 regarding student, employee, or visitor misconduct and
9 discipline, including suspension and expulsion;

10 (3) developing resolutions, regulations, or policies
11 regarding the storage or maintenance of firearms, which
12 must include designated areas where persons can park
13 vehicles that carry firearms; and

14 (4) permitting the carrying or use of firearms for the
15 purpose of instruction and curriculum of officially
16 recognized programs, including but not limited to military
17 science and law enforcement training programs, or in any
18 designated area used for hunting purposes or target
19 shooting.

20 (a-10) The owner of private real property of any type may
21 prohibit the carrying of concealed firearms on the property
22 under his or her control. The owner must post a sign in
23 accordance with subsection (d) of this Section indicating that
24 firearms are prohibited on the property, unless the property is
25 a private residence.

26 (b) Notwithstanding subsection (a) of this Section, any

1 licensee prohibited from carrying a concealed firearm into the
2 parking area of a prohibited location specified in subsection
3 (a) of this Section shall be permitted to carry a concealed
4 firearm on or about his or her person within a vehicle into the
5 parking area and may store a firearm or ammunition concealed in
6 a case within a locked vehicle or locked container within the
7 vehicle in the parking area. A licensee may carry a concealed
8 firearm in the immediate area surrounding his or her vehicle
9 within a prohibited parking lot area only for the limited
10 purpose of storing or retrieving a firearm within the vehicle's
11 trunk, provided the licensee ensures the concealed firearm is
12 unloaded prior to exiting the vehicle. For purposes of this
13 subsection, "case" includes a glove compartment or console that
14 completely encloses the concealed firearm or ammunition, the
15 trunk of the vehicle, or a firearm carrying box, shipping box,
16 or other container.

17 (c) A licensee shall not be in violation of this Section
18 while he or she is traveling along a public right of way that
19 touches or crosses any of the premises under subsection (a) of
20 this Section if the concealed firearm is carried on his or her
21 person in accordance with the provisions of this Act or is
22 being transported in a vehicle by the licensee in accordance
23 with all other applicable provisions of law.

24 (d) Signs stating that the carrying of firearms is
25 prohibited shall be clearly and conspicuously posted at the
26 entrance of a building, premises, or real property specified in

1 this Section as a prohibited area, unless the building or
2 premises is a private residence. Signs shall be of a uniform
3 design as established by the Department and shall be 4 inches
4 by 6 inches in size. The Department shall adopt rules for
5 standardized signs to be used under this subsection.

6 Section 70. Violations.

7 (a) A license issued or renewed under this Act shall be
8 revoked if, at any time, the licensee is found to be ineligible
9 for a license under this Act or the licensee no longer meets
10 the eligibility requirements of the Firearm Owners
11 Identification Card Act.

12 (b) A license shall be suspended if an order of protection,
13 emergency order of protection, plenary order of protection, or
14 interim order of protection under Article 112A of the Code of
15 Criminal Procedure of 1963 or under the Illinois Domestic
16 Violence Act of 1986 is issued against a licensee for the
17 duration of the order, or if the Department is made aware of a
18 similar order issued against the licensee in any other
19 jurisdiction. If an order of protection is issued against a
20 licensee, the licensee shall surrender the license, as
21 applicable, to the court at the time the order is entered or to
22 the law enforcement agency or entity serving process at the
23 time the licensee is served the order. The court, law
24 enforcement agency, or entity responsible for serving the order
25 shall notify the Department within 7 days and transmit the

1 license to the Department.

2 (c) A license is invalid upon expiration of the license,
3 unless the licensee has submitted an application to renew the
4 license, and the applicant is otherwise eligible to possess a
5 license under this Act.

6 (d) A licensee shall not carry a concealed firearm while
7 under the influence of alcohol, other drug or drugs,
8 intoxicating compound or combination of compounds, or any
9 combination thereof, under the standards set forth in
10 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

11 (e) A licensee in violation of this Section or Section 65
12 of this Act shall be guilty of a Class B misdemeanor. A second
13 or subsequent violation is a Class A misdemeanor. The
14 Department may suspend a license for up to 6 months for a
15 second violation and shall permanently revoke a license for 3
16 or more violations of Section 65 of this Act. Any person
17 convicted of a violation under this Section shall pay a \$150
18 fee to be deposited into the Mental Health Reporting Fund, plus
19 any applicable court costs or fees.

20 (f) A licensee convicted or found guilty of a violation of
21 this Act who has a valid license and is otherwise eligible to
22 carry a concealed firearm shall only be subject to the
23 penalties under this Section and shall not be subject to the
24 penalties under Section 21-6, paragraph (4), (8), or (10) of
25 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
26 of paragraph (3) of subsection (a) of Section 24-1.6 of the

1 Criminal Code of 2012. Except as otherwise provided in this
2 subsection, nothing in this subsection prohibits the licensee
3 from being subjected to penalties for violations other than
4 those specified in this Act.

5 (g) A licensee whose license is revoked, suspended, or
6 denied shall, within 48 hours of receiving notice of the
7 revocation, suspension, or denial surrender his or her
8 concealed carry license to the local law enforcement agency
9 where the person resides. The local law enforcement agency
10 shall provide the licensee a receipt and transmit the concealed
11 carry license to the Department of State Police. If the
12 licensee whose concealed carry license has been revoked,
13 suspended, or denied fails to comply with the requirements of
14 this subsection, the law enforcement agency where the person
15 resides may petition the circuit court to issue a warrant to
16 search for and seize the concealed carry license in the
17 possession and under the custody or control of the licensee
18 whose concealed carry license has been revoked, suspended, or
19 denied. The observation of a concealed carry license in the
20 possession of a person whose license has been revoked,
21 suspended, or denied constitutes a sufficient basis for the
22 arrest of that person for violation of this subsection. A
23 violation of this subsection is a Class A misdemeanor.

24 Section 75. Applicant firearm training.

25 (a) Within 45 days of the effective date of this Act, the

1 Department shall begin approval of firearm training courses and
2 makes a list of approved courses available of the Department's
3 website.

4 (b) An applicant for a new license shall provide proof of
5 completion of a firearms training course or combination of
6 courses approved by the Department of at least 16 hours, which
7 includes range qualification time under subsection (c) of this
8 Section, that covers the following:

9 (1) firearm safety;

10 (2) the basic principles of marksmanship;

11 (3) care, cleaning, loading, and unloading of a
12 concealable firearm;

13 (4) all applicable State and federal laws relating to
14 the ownership, storage, carry, and transportation of a
15 firearm; and

16 (5) instruction on the appropriate and lawful
17 interaction with law enforcement while transporting or
18 carrying a concealed firearm.

19 (c) An applicant for a new license shall provide proof of
20 certification by a certified instructor that the applicant
21 passed a live fire exercise with a concealable firearm
22 consisting of:

23 (1) a minimum of 30 rounds; and

24 (2) 10 rounds from a distance of 5 yards; 10 rounds
25 from a distance of 7 yards; and 10 rounds from a distance
26 of 10 yards at a B-27 silhouette target approved by the

1 Department.

2 (d) An applicant for renewal of a license shall provide
3 proof of completion of a firearms training course or
4 combination of courses approved by the Department of at least 3
5 hours.

6 (e) A certificate of completion for an applicant firearm
7 training course shall not be issued to a student who:

8 (1) does not follow the orders of the certified
9 firearms instructor;

10 (2) in the judgment of the certified instructor,
11 handles a firearm in a manner that poses a danger to the
12 student or to others; or

13 (3) during the range firing portion of testing fails to
14 hit the target with 70% of the rounds fired.

15 (f) An instructor shall maintain a record of each student's
16 performance for at least 5 years, and shall make all records
17 available upon demand of authorized personnel of the
18 Department.

19 (g) The Department and certified firearms instructor shall
20 recognize up to 8 hours of training already completed toward
21 the 16 hour training requirement under this Section if the
22 training course is approved by the Department and recognized
23 under the laws of another state. Any remaining hours that the
24 applicant completes must at least cover the classroom subject
25 matter of paragraph (4) of subsection (b) of this Section, and
26 the range qualification in subsection (c) of this Section.

1 (h) A person who has qualified to carry a firearm as an
2 active law enforcement officer, a person certified as a
3 firearms instructor by this Act or the Illinois Law Enforcement
4 Training Standards Board, and a person who has completed the
5 required training and has been issued a firearm control card by
6 the Department of Financial and Professional Regulation shall
7 be exempt from the requirements of this Section.

8 Section 80. Firearms instructor training.

9 (a) Within 45 days of the effective date of this Act, the
10 Department shall begin approval of certified firearms
11 instructors and enter certified firearms instructors into an
12 online registry on the Department's website.

13 (b) A person who is not a certified firearms instructor
14 shall not teach applicant training courses or advertise or
15 otherwise represent courses they teach as qualifying their
16 students to meet the requirements to receive a license under
17 this Act. Each violation of this subsection is a business
18 offense with a fine of at least \$1,000 per violation.

19 (c) A person seeking to become a certified firearms
20 instructor shall:

21 (1) be at least 21 years of age;

22 (2) be a legal resident of the United States; and

23 (3) meet the requirements of Section 25 of this Act,
24 and any additional uniformly applied requirements
25 established by the Department.

1 (d) A person seeking to become a certified firearms
2 instructor trainer, in addition to the requirements of
3 subsection (c) of this Section, shall:

4 (1) possess a high school diploma or GED certificate;
5 and

6 (2) have at least one of the following valid firearms
7 instructor certifications:

8 (A) certification from a law enforcement agency;

9 or

10 (B) certification from a firearm instructor course
11 offered by a State or federal governmental agency;

12 (C) certification from a firearm instructor
13 qualification course offered by the Illinois Law
14 Enforcement Training Standards Board; and

15 (D) certification from an entity approved by the
16 Department that offers firearm instructor education
17 and training in the use and safety of firearms.

18 (e) A person may have his or her firearms instructor
19 certification denied or revoked if he or she does not meet the
20 requirements to obtain a license under this Act, provides false
21 or misleading information to the Department, or has had a prior
22 instructor certification revoked or denied by the Department.

23 Section 85. Background Checks for Dealer Sales.

24 A license to carry a concealed firearm issued by this
25 State shall not exempt the licensee from the requirements of a

1 background check, including a check of the National Instant
2 Criminal Background Check System, upon purchase or transfer of
3 a firearm.

4 Section 87. Administrative and judicial review.

5 (a) Whenever an application for a concealed carry license
6 is denied, whenever the Department fails to act on an
7 application within 90 days of its receipt, or whenever a
8 license is revoked or suspended as provided in this Act, the
9 aggrieved party may appeal to the Director for a hearing upon
10 the denial, revocation, suspension, or failure to act on the
11 application, unless the denial was made by the Concealed Carry
12 Licensing Review Board, in which case the aggrieved party may
13 petition the circuit court in writing in the county of his or
14 her residence for a hearing upon the denial.

15 (b) All final administrative decisions of the Department or
16 the Concealed Carry Licensing Review Board under this Act shall
17 be subject to judicial review under the provisions of the
18 Administrative Review Law. The term "administrative decision"
19 is defined as in Section 3-101 of the Code of Civil Procedure.

20 Section 90. Preemption.

21 The regulation, licensing, possession, carrying, and
22 transportation of firearms are exclusive powers and function of
23 the State. Except as explicitly provided in this Act, a home
24 rule unit may not regulate or license any matter related to

1 firearms, including the possession, carrying, and
2 transportation of firearms. This Section is a limitation under
3 subsection (h) of Section 6 of Article VII of the Illinois
4 Constitution on the exercise by home rule units of powers and
5 functions exercised by the State. Any municipal law or
6 ordinance inconsistent with this Section shall be invalidated
7 upon the effective date of this Act.

8 Section 92. Consolidation of concealed carry license and
9 Firearm Owner's Identification Card.

10 (a) A task force shall be created and appointed to develop
11 a plan to incorporate and consolidate the concealed carry
12 license under this Act and the Firearm Owner's Identification
13 Card under the Firearm Owners Identification Card Act into a
14 single card that can identify a person with authority to
15 possess a firearm under the Firearm Owners Identification Card
16 Act, or authority to possess a firearm under the Firearm Owners
17 Identification Card Act and authority to carry a concealed
18 firearm under this Act. The plan shall include statutory
19 changes necessary to implement the Firearm Owner's
20 Identification Card and concealed carry license consolidation.

21 (b) The task force shall consist of the following members:

22 (1) one member appointed by the Speaker of the House;

23 (2) one member appointed by the House Minority Leader;

24 (3) one member appointed by the President of the

25 Senate;

- 1 (4) one member appointed by the Senate Minority Leader;
- 2 (5) one member appointed by the Secretary of State;
- 3 (6) one member appointed by the Director of the
- 4 Department of State Police; and
- 5 (7) one member appointed by the Speaker representing
- 6 the National Rifle Association.

7 Section 95. Rulemaking.

8 The Department shall adopt rules to implement the

9 provisions of this Act.

10 Section 100. Short title. Sections 100 through 110 may be

11 cited as the School Administrator Reporting of Mental Health

12 Clear and Present Danger Determinations Law.

13 Section 105. Duty of school administrator. It is the duty

14 of the principal of a public elementary or secondary school, or

15 his or her designee, and the chief administrative officer of a

16 private elementary or secondary school or a public or private

17 community college, college, or university, or his or her

18 designee, to report to the Department of Human Services when a

19 student is determined to pose a clear and present danger to

20 himself, herself, or to others within 24 hours of the

21 determination as provided in Section 6-103.3 of the Mental

22 Health and Developmental Disabilities Code. "Clear and present

23 danger" has the meaning as defined in paragraph (2) of the

1 definition of "clear and present danger" in Section 1.1 of the
2 Firearm Owners Identification Card Act.

3 Section 110. Immunity. A principal or chief administrative
4 officer, or the designee of a principal or chief administrative
5 officer, making the determination and report under Section 105
6 of this Law shall not be held criminally, civilly, or
7 professionally liable, except for willful or wanton
8 misconduct.

9 Section 115. The Open Meetings Act is amended by changing
10 Section 2 as follows:

11 (5 ILCS 120/2) (from Ch. 102, par. 42)

12 Sec. 2. Open meetings.

13 (a) Openness required. All meetings of public bodies shall
14 be open to the public unless excepted in subsection (c) and
15 closed in accordance with Section 2a.

16 (b) Construction of exceptions. The exceptions contained
17 in subsection (c) are in derogation of the requirement that
18 public bodies meet in the open, and therefore, the exceptions
19 are to be strictly construed, extending only to subjects
20 clearly within their scope. The exceptions authorize but do not
21 require the holding of a closed meeting to discuss a subject
22 included within an enumerated exception.

23 (c) Exceptions. A public body may hold closed meetings to

1 consider the following subjects:

2 (1) The appointment, employment, compensation,
3 discipline, performance, or dismissal of specific
4 employees of the public body or legal counsel for the
5 public body, including hearing testimony on a complaint
6 lodged against an employee of the public body or against
7 legal counsel for the public body to determine its
8 validity.

9 (2) Collective negotiating matters between the public
10 body and its employees or their representatives, or
11 deliberations concerning salary schedules for one or more
12 classes of employees.

13 (3) The selection of a person to fill a public office,
14 as defined in this Act, including a vacancy in a public
15 office, when the public body is given power to appoint
16 under law or ordinance, or the discipline, performance or
17 removal of the occupant of a public office, when the public
18 body is given power to remove the occupant under law or
19 ordinance.

20 (4) Evidence or testimony presented in open hearing, or
21 in closed hearing where specifically authorized by law, to
22 a quasi-adjudicative body, as defined in this Act, provided
23 that the body prepares and makes available for public
24 inspection a written decision setting forth its
25 determinative reasoning.

26 (5) The purchase or lease of real property for the use

1 of the public body, including meetings held for the purpose
2 of discussing whether a particular parcel should be
3 acquired.

4 (6) The setting of a price for sale or lease of
5 property owned by the public body.

6 (7) The sale or purchase of securities, investments, or
7 investment contracts. This exception shall not apply to the
8 investment of assets or income of funds deposited into the
9 Illinois Prepaid Tuition Trust Fund.

10 (8) Security procedures and the use of personnel and
11 equipment to respond to an actual, a threatened, or a
12 reasonably potential danger to the safety of employees,
13 students, staff, the public, or public property.

14 (9) Student disciplinary cases.

15 (10) The placement of individual students in special
16 education programs and other matters relating to
17 individual students.

18 (11) Litigation, when an action against, affecting or
19 on behalf of the particular public body has been filed and
20 is pending before a court or administrative tribunal, or
21 when the public body finds that an action is probable or
22 imminent, in which case the basis for the finding shall be
23 recorded and entered into the minutes of the closed
24 meeting.

25 (12) The establishment of reserves or settlement of
26 claims as provided in the Local Governmental and

1 Governmental Employees Tort Immunity Act, if otherwise the
2 disposition of a claim or potential claim might be
3 prejudiced, or the review or discussion of claims, loss or
4 risk management information, records, data, advice or
5 communications from or with respect to any insurer of the
6 public body or any intergovernmental risk management
7 association or self insurance pool of which the public body
8 is a member.

9 (13) Conciliation of complaints of discrimination in
10 the sale or rental of housing, when closed meetings are
11 authorized by the law or ordinance prescribing fair housing
12 practices and creating a commission or administrative
13 agency for their enforcement.

14 (14) Informant sources, the hiring or assignment of
15 undercover personnel or equipment, or ongoing, prior or
16 future criminal investigations, when discussed by a public
17 body with criminal investigatory responsibilities.

18 (15) Professional ethics or performance when
19 considered by an advisory body appointed to advise a
20 licensing or regulatory agency on matters germane to the
21 advisory body's field of competence.

22 (16) Self evaluation, practices and procedures or
23 professional ethics, when meeting with a representative of
24 a statewide association of which the public body is a
25 member.

26 (17) The recruitment, credentialing, discipline or

1 formal peer review of physicians or other health care
2 professionals for a hospital, or other institution
3 providing medical care, that is operated by the public
4 body.

5 (18) Deliberations for decisions of the Prisoner
6 Review Board.

7 (19) Review or discussion of applications received
8 under the Experimental Organ Transplantation Procedures
9 Act.

10 (20) The classification and discussion of matters
11 classified as confidential or continued confidential by
12 the State Government Suggestion Award Board.

13 (21) Discussion of minutes of meetings lawfully closed
14 under this Act, whether for purposes of approval by the
15 body of the minutes or semi-annual review of the minutes as
16 mandated by Section 2.06.

17 (22) Deliberations for decisions of the State
18 Emergency Medical Services Disciplinary Review Board.

19 (23) The operation by a municipality of a municipal
20 utility or the operation of a municipal power agency or
21 municipal natural gas agency when the discussion involves
22 (i) contracts relating to the purchase, sale, or delivery
23 of electricity or natural gas or (ii) the results or
24 conclusions of load forecast studies.

25 (24) Meetings of a residential health care facility
26 resident sexual assault and death review team or the

1 Executive Council under the Abuse Prevention Review Team
2 Act.

3 (25) Meetings of an independent team of experts under
4 Brian's Law.

5 (26) Meetings of a mortality review team appointed
6 under the Department of Juvenile Justice Mortality Review
7 Team Act.

8 (27) Confidential information, when discussed by one
9 or more members of an elder abuse fatality review team,
10 designated under Section 15 of the Elder Abuse and Neglect
11 Act, while participating in a review conducted by that team
12 of the death of an elderly person in which abuse or neglect
13 is suspected, alleged, or substantiated; provided that
14 before the review team holds a closed meeting, or closes an
15 open meeting, to discuss the confidential information,
16 each participating review team member seeking to disclose
17 the confidential information in the closed meeting or
18 closed portion of the meeting must state on the record
19 during an open meeting or the open portion of a meeting the
20 nature of the information to be disclosed and the legal
21 basis for otherwise holding that information confidential.

22 (28) Correspondence and records (i) that may not be
23 disclosed under Section 11-9 of the Public Aid Code or (ii)
24 that pertain to appeals under Section 11-8 of the Public
25 Aid Code.

26 (29) Meetings between internal or external auditors

1 and governmental audit committees, finance committees, and
2 their equivalents, when the discussion involves internal
3 control weaknesses, identification of potential fraud risk
4 areas, known or suspected frauds, and fraud interviews
5 conducted in accordance with generally accepted auditing
6 standards of the United States of America.

7 (30) Deliberations for decisions of the Concealed
8 Carry Licensing Review Board under the Firearm Concealed
9 Carry Act.

10 (d) Definitions. For purposes of this Section:

11 "Employee" means a person employed by a public body whose
12 relationship with the public body constitutes an
13 employer-employee relationship under the usual common law
14 rules, and who is not an independent contractor.

15 "Public office" means a position created by or under the
16 Constitution or laws of this State, the occupant of which is
17 charged with the exercise of some portion of the sovereign
18 power of this State. The term "public office" shall include
19 members of the public body, but it shall not include
20 organizational positions filled by members thereof, whether
21 established by law or by a public body itself, that exist to
22 assist the body in the conduct of its business.

23 "Quasi-adjudicative body" means an administrative body
24 charged by law or ordinance with the responsibility to conduct
25 hearings, receive evidence or testimony and make
26 determinations based thereon, but does not include local

1 electoral boards when such bodies are considering petition
2 challenges.

3 (e) Final action. No final action may be taken at a closed
4 meeting. Final action shall be preceded by a public recital of
5 the nature of the matter being considered and other information
6 that will inform the public of the business being conducted.

7 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;
8 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.
9 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,
10 eff. 8-1-12.)

11 Section 120. The Freedom of Information Act is amended by
12 changing Section 7.5 as follows:

13 (5 ILCS 140/7.5)

14 Sec. 7.5. Statutory Exemptions. To the extent provided for
15 by the statutes referenced below, the following shall be exempt
16 from inspection and copying:

17 (a) All information determined to be confidential under
18 Section 4002 of the Technology Advancement and Development Act.

19 (b) Library circulation and order records identifying
20 library users with specific materials under the Library Records
21 Confidentiality Act.

22 (c) Applications, related documents, and medical records
23 received by the Experimental Organ Transplantation Procedures
24 Board and any and all documents or other records prepared by

1 the Experimental Organ Transplantation Procedures Board or its
2 staff relating to applications it has received.

3 (d) Information and records held by the Department of
4 Public Health and its authorized representatives relating to
5 known or suspected cases of sexually transmissible disease or
6 any information the disclosure of which is restricted under the
7 Illinois Sexually Transmissible Disease Control Act.

8 (e) Information the disclosure of which is exempted under
9 Section 30 of the Radon Industry Licensing Act.

10 (f) Firm performance evaluations under Section 55 of the
11 Architectural, Engineering, and Land Surveying Qualifications
12 Based Selection Act.

13 (g) Information the disclosure of which is restricted and
14 exempted under Section 50 of the Illinois Prepaid Tuition Act.

15 (h) Information the disclosure of which is exempted under
16 the State Officials and Employees Ethics Act, and records of
17 any lawfully created State or local inspector general's office
18 that would be exempt if created or obtained by an Executive
19 Inspector General's office under that Act.

20 (i) Information contained in a local emergency energy plan
21 submitted to a municipality in accordance with a local
22 emergency energy plan ordinance that is adopted under Section
23 11-21.5-5 of the Illinois Municipal Code.

24 (j) Information and data concerning the distribution of
25 surcharge moneys collected and remitted by wireless carriers
26 under the Wireless Emergency Telephone Safety Act.

1 (k) Law enforcement officer identification information or
2 driver identification information compiled by a law
3 enforcement agency or the Department of Transportation under
4 Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death review
7 team or the Executive Council under the Abuse Prevention Review
8 Team Act.

9 (m) Information provided to the predatory lending database
10 created pursuant to Article 3 of the Residential Real Property
11 Disclosure Act, except to the extent authorized under that
12 Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial counsel as
15 provided under Sections 10 and 15 of the Capital Crimes
16 Litigation Act. This subsection (n) shall apply until the
17 conclusion of the trial of the case, even if the prosecution
18 chooses not to pursue the death penalty prior to trial or
19 sentencing.

20 (o) Information that is prohibited from being disclosed
21 under Section 4 of the Illinois Health and Hazardous Substances
22 Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of the

1 Regional Transportation Authority Act or the St. Clair County
2 Transit District under the Bi-State Transit Safety Act.

3 (q) Information prohibited from being disclosed by the
4 Personnel Records Review Act.

5 (r) Information prohibited from being disclosed by the
6 Illinois School Student Records Act.

7 (s) Information the disclosure of which is restricted under
8 Section 5-108 of the Public Utilities Act.

9 (t) All identified or deidentified health information in
10 the form of health data or medical records contained in, stored
11 in, submitted to, transferred by, or released from the Illinois
12 Health Information Exchange, and identified or deidentified
13 health information in the form of health data and medical
14 records of the Illinois Health Information Exchange in the
15 possession of the Illinois Health Information Exchange
16 Authority due to its administration of the Illinois Health
17 Information Exchange. The terms "identified" and
18 "deidentified" shall be given the same meaning as in the Health
19 Insurance Accountability and Portability Act of 1996, Public
20 Law 104-191, or any subsequent amendments thereto, and any
21 regulations promulgated thereunder.

22 (u) Records and information provided to an independent team
23 of experts under Brian's Law.

24 (v) Names and information of people who have applied for or
25 received Firearm Owner's Identification Cards under the
26 Firearm Owners Identification Card Act or applied for or

1 received a concealed carry license under the Firearm Concealed
2 Carry Act, unless otherwise authorized by the Firearm Concealed
3 Carry Act; and databases under the Firearm Concealed Carry Act,
4 records of the Concealed Carry Licensing Review Board under the
5 Firearm Concealed Carry Act, and law enforcement agency
6 objections under the Firearm Concealed Carry Act.

7 (w) Personally identifiable information which is exempted
8 from disclosure under subsection (g) of Section 19.1 of the
9 Toll Highway Act.

10 (x) Information which is exempted from disclosure under
11 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the
12 Illinois Municipal Code.

13 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
14 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
15 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
16 eff. 1-1-13.)

17 Section 122. The Secretary of State Act is amended by
18 adding Section 13.5 as follows:

19 (15 ILCS 305/13.5 new)

20 Sec. 13.5. Department of State Police access to driver's
21 license and identification card photographs.

22 The Secretary of State shall allow the Department of State
23 Police to access the driver's license or Illinois
24 Identification card photograph, if available, of an applicant

1 for a firearm concealed carry license under the Firearm
2 Concealed Carry Act for the purpose of identifying the firearm
3 concealed carry license applicant and issuing a license to the
4 applicant.

5 Section 125. The Department of State Police Law of the
6 Civil Administrative Code of Illinois is amended by changing
7 Section 2605-300 and by adding Section 2605-595 as follows:

8 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

9 Sec. 2605-300. Records; crime laboratories; personnel. To
10 do the following:

11 (1) Be a central repository and custodian of criminal
12 statistics for the State.

13 (2) Be a central repository for criminal history record
14 information.

15 (3) Procure and file for record information that is
16 necessary and helpful to plan programs of crime prevention,
17 law enforcement, and criminal justice.

18 (4) Procure and file for record copies of fingerprints
19 that may be required by law.

20 (5) Establish general and field crime laboratories.

21 (6) Register and file for record information that may
22 be required by law for the issuance of firearm owner's
23 identification cards under the Firearm Owners
24 Identification Card Act and concealed carry licenses under

1 the Firearm Concealed Carry Act.

2 (7) Employ polygraph operators, laboratory
3 technicians, and other specially qualified persons to aid
4 in the identification of criminal activity.

5 (8) Undertake other identification, information,
6 laboratory, statistical, or registration activities that
7 may be required by law.

8 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
9 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
10 eff. 8-14-98; 91-239, eff. 1-1-00.)

11 (20 ILCS 2605/2605-595 new)

12 Sec. 2605-595. State Police Firearm Services Fund.

13 (a) There is created in the State treasury a special fund
14 known as the State Police Firearm Services Fund. The Fund shall
15 receive revenue under the Firearm Concealed Carry Act and
16 Section 5 of the Firearm Owners Identification Card Act. The
17 Fund may also receive revenue from grants, pass-through grants,
18 donations, appropriations, and any other legal source.

19 (b) The Department of State Police may use moneys in the
20 Fund to finance any of its lawful purposes, mandates,
21 functions, and duties under the Firearm Owners Identification
22 Card Act and the Firearm Concealed Carry Act, including the
23 cost of sending notices of expiration of Firearm Owner's
24 Identification Cards, concealed carry licenses, the prompt and
25 efficient processing of applications under the Firearm Owners

1 Identification Card Act and the Firearm Concealed Carry Act,
2 the improved efficiency and reporting of the LEADS and federal
3 NICS law enforcement data systems, and support for
4 investigations required under these Acts and law. Any surplus
5 funds beyond what is needed to comply with the aforementioned
6 purposes shall be used by the Department to improve the LEADS
7 and criminal history background check system.

8 (c) Investment income that is attributable to the
9 investment of moneys in the Fund shall be retained in the Fund
10 for the uses specified in this Section.

11 Section 130. The State Finance Act is amended by adding
12 Sections 5.826, 5.827, and 6z-98 as follows:

13 (30 ILCS 105/5.826 new)

14 Sec. 5.826. The Mental Health Reporting Fund.

15 (30 ILCS 105/5.827 new)

16 Sec. 5.827. The State Police Firearm Services Fund.

17 (30 ILCS 105/6z-98 new)

18 Sec. 6z-98. The Mental Health Reporting Fund.

19 (a) There is created in the State treasury a special fund
20 known as the Mental Health Reporting Fund. The Fund shall
21 receive revenue under the Firearm Concealed Carry Act. The Fund
22 may also receive revenue from grants, pass-through grants,

1 donations, appropriations, and any other legal source.

2 (b) The Department of State Police and Department of Human
3 Services shall coordinate to use moneys in the Fund to finance
4 their respective duties of collecting and reporting data on
5 mental health records and ensuring that mental health firearm
6 possession prohibitors are enforced as set forth under the
7 Firearm Concealed Carry Act and the Firearm Owners
8 Identification Card Act. Any surplus in the Fund beyond what is
9 necessary to ensure compliance with mental health reporting
10 under these Acts shall be used by the Department of Human
11 Services for mental health treatment programs.

12 (c) Investment income that is attributable to the
13 investment of moneys in the Fund shall be retained in the Fund
14 for the uses specified in this Section.

15 (30 ILCS 105/5.206 rep.)

16 Section 135. The State Finance Act is amended by repealing
17 Section 5.206.

18 Section 140. The Illinois Explosives Act is amended by
19 changing Section 2005 as follows:

20 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

21 Sec. 2005. Qualifications for licensure.

22 (a) No person shall qualify to hold a license who:

23 (1) is under 21 years of age;

1 (2) has been convicted in any court of a crime
2 punishable by imprisonment for a term exceeding one year;

3 (3) is under indictment for a crime punishable by
4 imprisonment for a term exceeding one year;

5 (4) is a fugitive from justice;

6 (5) is an unlawful user of or addicted to any
7 controlled substance as defined in Section 102 of the
8 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
9 seq.);

10 (6) has been adjudicated a mentally disabled person as
11 defined in Section 1.1 of the Firearm Owners Identification
12 Card Act ~~mental defective~~; or

13 (7) is not a legal citizen of the United States.

14 (b) A person who has been granted a "relief from
15 disabilities" regarding criminal convictions and indictments,
16 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.
17 845) may receive a license provided all other qualifications
18 under this Act are met.

19 (Source: P.A. 96-1194, eff. 1-1-11.)

20 Section 145. The Mental Health and Developmental
21 Disabilities Code is amended by changing Section 6-103.1 and by
22 adding Sections 6-103.2 and 6-103.3 as follows:

23 (405 ILCS 5/6-103.1)

24 Sec. 6-103.1. Adjudication as a mentally disabled person

1 ~~mental defective.~~

2 (a) When a person has been adjudicated as a mentally
3 disabled person ~~mental defective~~ as defined in Section 1.1 of
4 the Firearm Owners Identification Card Act, including, but not
5 limited to, an adjudication as a disabled person as defined in
6 Section 11a-2 of the Probate Act of 1975, the court shall
7 direct the circuit court clerk to ~~immediately~~ notify the
8 Department of State Police, Firearm Owner's Identification
9 (FOID) Office, in a form and manner prescribed by the
10 Department of State Police, and shall forward a copy of the
11 court order to the Department no later than 7 days after the
12 entry of the order. Upon receipt of the order, the Department
13 of State Police shall provide notification to the National
14 Instant Criminal Background Check System.

15 (Source: P.A. 97-1131, eff. 1-1-13.)

16 (405 ILCS 5/6-103.2 new)

17 Sec. 6-103.2. Developmental disability; notice.

18 If a person is determined to be developmentally disabled as
19 defined in Section 1.1 of the Firearm Owners Identification
20 Card Act by a physician, clinical psychologist, or qualified
21 examiner, whether practicing at a public or by a private mental
22 health facility or developmental disability facility, the
23 physician, clinical psychologist, or qualified examiner shall
24 notify the Department of Human Services within 24 hours of
25 making the determination that the person has a developmental

1 disability. The Department of Human Services shall immediately
2 update its records and information relating to mental health
3 and developmental disabilities, and if appropriate, shall
4 notify the Department of State Police in a form and manner
5 prescribed by the Department of State Police. Information
6 disclosed under this Section shall remain privileged and
7 confidential, and shall not be redisclosed, except as required
8 under subsection (e) of Section 3.1 of the Firearm Owners
9 Identification Card Act, nor used for any other purpose. The
10 method of providing this information shall guarantee that the
11 information is not released beyond that which is necessary for
12 the purpose of this Section and shall be provided by rule by
13 the Department of Human Services. The identity of the person
14 reporting under this Section shall not be disclosed to the
15 subject of the report.

16 Absent willful or wanton misconduct, the physician,
17 clinical psychologist, or qualified examiner making the
18 determination may not be held criminally, civilly, or
19 professionally liable for making or not making the notification
20 required under this Section.

21 (405 ILCS 5/6-103.3 new)

22 Sec. 6-103.3. Clear and present danger; notice.

23 If a person is determined to pose a clear and present
24 danger to himself, herself, or to others by a physician,
25 clinical psychologist, or qualified examiner, whether employed

1 by the State, by any public or private mental health facility
2 or part thereof, or by a school administrator, the physician,
3 clinical psychologist, qualified examiner, or school
4 administrator shall notify the Department of Human Services and
5 a law enforcement official shall notify the Department of State
6 Police, within 24 hours that the person poses a clear and
7 present danger. The Department of Human Services shall
8 immediately update the files relating to mental health and
9 developmental disabilities, or if appropriate, shall notify
10 the Department of State Police in a form and manner prescribed
11 by the Department of State Police. Information disclosed under
12 this subsection shall remain privileged and confidential, and
13 shall not be redisclosed, except as required under subsection
14 (e) of Section 3.1 of the Firearm Owners Identification Card
15 Act, nor used for any other purpose. The method of providing
16 this information shall guarantee that the information is not
17 released beyond that which is necessary for the purpose of this
18 Section. The identity of the person reporting under this
19 Section shall not be disclosed to the subject of the report.
20 The physician, clinical psychologist, qualified examiner, law
21 enforcement official, or school administrator making the
22 determination shall not be held criminally, civilly, or
23 professionally liable for making or not making the notification
24 required under this subsection, except for willful or wanton
25 misconduct. This Section does not apply to a law enforcement
26 official, if making the notification under this Section will

1 interfere with a criminal investigation.

2 For the purposes of this Section:

3 "Clear and present danger" has the meaning ascribed to
4 it in Section 1.1 of the Firearm Owners Identification Card
5 Act.

6 "School administrator" means the person required to
7 report under the School Administrator Reporting of Mental
8 Health Clear and Present Danger Determinations Law.

9 Section 150. The Firearm Owners Identification Card Act is
10 amended by changing Sections 1.1, 3.1, 4, 5, 8, 8.1, 9, 10, and
11 13.2 and by adding Sections 5.1 and 9.5 as follows:

12 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

13 (Text of Section before amendment by P.A. 97-1167)

14 Sec. 1.1. For purposes of this Act:

15 "Has been adjudicated as a mental defective" means the
16 person is the subject of a determination by a court, board,
17 commission or other lawful authority that a person, as a result
18 of marked subnormal intelligence, or mental illness, mental
19 impairment, incompetency, condition, or disease:

20 (1) is a danger to himself, herself, or to others;

21 (2) lacks the mental capacity to manage his or her own
22 affairs;

23 (3) is not guilty in a criminal case by reason of
24 insanity, mental disease or defect;

1 (4) is incompetent to stand trial in a criminal case;

2 (5) is not guilty by reason of lack of mental
3 responsibility pursuant to Articles 50a and 72b of the
4 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

5 "Counterfeit" means to copy or imitate, without legal
6 authority, with intent to deceive.

7 "Federally licensed firearm dealer" means a person who is
8 licensed as a federal firearms dealer under Section 923 of the
9 federal Gun Control Act of 1968 (18 U.S.C. 923).

10 "Firearm" means any device, by whatever name known, which
11 is designed to expel a projectile or projectiles by the action
12 of an explosion, expansion of gas or escape of gas; excluding,
13 however:

14 (1) any pneumatic gun, spring gun, paint ball gun, or
15 B-B gun which expels a single globular projectile not
16 exceeding .18 inch in diameter or which has a maximum
17 muzzle velocity of less than 700 feet per second;

18 (1.1) any pneumatic gun, spring gun, paint ball gun, or
19 B-B gun which expels breakable paint balls containing
20 washable marking colors;

21 (2) any device used exclusively for signalling or
22 safety and required or recommended by the United States
23 Coast Guard or the Interstate Commerce Commission;

24 (3) any device used exclusively for the firing of stud
25 cartridges, explosive rivets or similar industrial
26 ammunition; and

1 (4) an antique firearm (other than a machine-gun)
2 which, although designed as a weapon, the Department of
3 State Police finds by reason of the date of its
4 manufacture, value, design, and other characteristics is
5 primarily a collector's item and is not likely to be used
6 as a weapon.

7 "Firearm ammunition" means any self-contained cartridge or
8 shotgun shell, by whatever name known, which is designed to be
9 used or adaptable to use in a firearm; excluding, however:

10 (1) any ammunition exclusively designed for use with a
11 device used exclusively for signalling or safety and
12 required or recommended by the United States Coast Guard or
13 the Interstate Commerce Commission; and

14 (2) any ammunition designed exclusively for use with a
15 stud or rivet driver or other similar industrial
16 ammunition.

17 "Gun show" means an event or function:

18 (1) at which the sale and transfer of firearms is the
19 regular and normal course of business and where 50 or more
20 firearms are displayed, offered, or exhibited for sale,
21 transfer, or exchange; or

22 (2) at which not less than 10 gun show vendors display,
23 offer, or exhibit for sale, sell, transfer, or exchange
24 firearms.

25 "Gun show" includes the entire premises provided for an
26 event or function, including parking areas for the event or

1 function, that is sponsored to facilitate the purchase, sale,
2 transfer, or exchange of firearms as described in this Section.

3 "Gun show" does not include training or safety classes,
4 competitive shooting events, such as rifle, shotgun, or handgun
5 matches, trap, skeet, or sporting clays shoots, dinners,
6 banquets, raffles, or any other event where the sale or
7 transfer of firearms is not the primary course of business.

8 "Gun show promoter" means a person who organizes or
9 operates a gun show.

10 "Gun show vendor" means a person who exhibits, sells,
11 offers for sale, transfers, or exchanges any firearms at a gun
12 show, regardless of whether the person arranges with a gun show
13 promoter for a fixed location from which to exhibit, sell,
14 offer for sale, transfer, or exchange any firearm.

15 "Sanctioned competitive shooting event" means a shooting
16 contest officially recognized by a national or state shooting
17 sport association, and includes any sight-in or practice
18 conducted in conjunction with the event.

19 "Stun gun or taser" has the meaning ascribed to it in
20 Section 24-1 of the Criminal Code of 2012.

21 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13.)

22 (Text of Section after amendment by P.A. 97-1167)

23 Sec. 1.1. For purposes of this Act:

24 "Addicted to narcotics" means a person:

25 (1) convicted of an offense involving the use or

1 possession of cannabis, a controlled substance, or
2 methamphetamine within the past year; or

3 (2) determined by the Department of State Police to be
4 addicted to narcotics based upon federal law or federal
5 guidelines.

6 "Addicted to narcotics" does not include possession or use
7 of a prescribed controlled substance under the direction and
8 authority of a physician or person authorized to prescribe the
9 controlled substance and the controlled substance is used in
10 the prescribed manner.

11 "Adjudicated ~~Has been adjudicated~~ as a mentally disabled
12 person ~~mental defective~~" means the person is the subject of a
13 determination by a court, board, commission or other lawful
14 authority that a person, as a result of marked subnormal
15 intelligence, or mental illness, mental impairment,
16 incompetency, condition, or disease:

17 (1) presents a clear and present ~~is a~~ danger to
18 himself, herself, or to others;

19 (2) lacks the mental capacity to manage his or her own
20 affairs or is adjudicated a disabled person as defined in
21 Section 11a-2 of the Probate Act of 1975;

22 (3) is not guilty in a criminal case by reason of
23 insanity, mental disease or defect;

24 (3.5) is guilty but mentally ill, as provided in
25 Section 5-2-6 of the Unified Code of Corrections;

26 (4) is incompetent to stand trial in a criminal case;

1 (5) is not guilty by reason of lack of mental
2 responsibility under ~~pursuant to~~ Articles 50a and 72b of
3 the Uniform Code of Military Justice, 10 U.S.C. 850a,
4 876b~~;~~.

5 (6) has been found to be a sexually violent person
6 under the Sexually Violent Persons Commitment Act; or

7 (7) has been found to be a sexually dangerous person
8 under the Sexually Dangerous Persons Act.

9 "Clear and present danger" means a person:

10 (1) communicates a serious threat of physical violence
11 against a reasonably identifiable victim or poses a clear
12 and imminent risk of serious physical injury to himself,
13 herself, or another person as determined by a physician,
14 clinical psychologist, or qualified examiner; or

15 (2) demonstrates threatening physical or verbal
16 behavior, such as violent, suicidal, or assaultive
17 threats, actions, or other behavior as determined by a
18 physician, clinical psychologist, qualified examiner,
19 school administrator, or law enforcement official.

20 "Clinical psychologist" has the meaning as defined in
21 Section 1-103 of the Mental Health and Developmental
22 Disabilities Code.

23 "Controlled substance" means a controlled substance or
24 controlled substance analog as defined in the Illinois
25 Controlled Substances Act.

26 "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

2 "Developmentally disabled" means a disability which is
3 attributable to any other condition which results in impairment
4 similar to that caused by an intellectual disability and which
5 requires services similar to those required by intellectually
6 disabled persons. The disability must originate before the age
7 of 18 years, be expected to continue indefinitely, and
8 constitute a substantial handicap.

9 "Federally licensed firearm dealer" means a person who is
10 licensed as a federal firearms dealer under Section 923 of the
11 federal Gun Control Act of 1968 (18 U.S.C. 923).

12 "Firearm" means any device, by whatever name known, which
13 is designed to expel a projectile or projectiles by the action
14 of an explosion, expansion of gas or escape of gas; excluding,
15 however:

16 (1) any pneumatic gun, spring gun, paint ball gun, or
17 B-B gun which expels a single globular projectile not
18 exceeding .18 inch in diameter or which has a maximum
19 muzzle velocity of less than 700 feet per second;

20 (1.1) any pneumatic gun, spring gun, paint ball gun, or
21 B-B gun which expels breakable paint balls containing
22 washable marking colors;

23 (2) any device used exclusively for signalling or
24 safety and required or recommended by the United States
25 Coast Guard or the Interstate Commerce Commission;

26 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets or similar industrial
2 ammunition; and

3 (4) an antique firearm (other than a machine-gun)
4 which, although designed as a weapon, the Department of
5 State Police finds by reason of the date of its
6 manufacture, value, design, and other characteristics is
7 primarily a collector's item and is not likely to be used
8 as a weapon.

9 "Firearm ammunition" means any self-contained cartridge or
10 shotgun shell, by whatever name known, which is designed to be
11 used or adaptable to use in a firearm; excluding, however:

12 (1) any ammunition exclusively designed for use with a
13 device used exclusively for signalling or safety and
14 required or recommended by the United States Coast Guard or
15 the Interstate Commerce Commission; and

16 (2) any ammunition designed exclusively for use with a
17 stud or rivet driver or other similar industrial
18 ammunition.

19 "Gun show" means an event or function:

20 (1) at which the sale and transfer of firearms is the
21 regular and normal course of business and where 50 or more
22 firearms are displayed, offered, or exhibited for sale,
23 transfer, or exchange; or

24 (2) at which not less than 10 gun show vendors display,
25 offer, or exhibit for sale, sell, transfer, or exchange
26 firearms.

1 "Gun show" includes the entire premises provided for an
2 event or function, including parking areas for the event or
3 function, that is sponsored to facilitate the purchase, sale,
4 transfer, or exchange of firearms as described in this Section.

5 "Gun show" does not include training or safety classes,
6 competitive shooting events, such as rifle, shotgun, or handgun
7 matches, trap, skeet, or sporting clays shoots, dinners,
8 banquets, raffles, or any other event where the sale or
9 transfer of firearms is not the primary course of business.

10 "Gun show promoter" means a person who organizes or
11 operates a gun show.

12 "Gun show vendor" means a person who exhibits, sells,
13 offers for sale, transfers, or exchanges any firearms at a gun
14 show, regardless of whether the person arranges with a gun show
15 promoter for a fixed location from which to exhibit, sell,
16 offer for sale, transfer, or exchange any firearm.

17 "Intellectually disabled" means significantly subaverage
18 general intellectual functioning which exists concurrently
19 with impairment in adaptive behavior and which originates
20 before the age of 18 years.

21 "Involuntarily admitted" has the meaning as prescribed in
22 Sections 1-119 and 1-119.1 of the Mental Health and
23 Developmental Disabilities Code.

24 "Mental health facility ~~institution~~" means any licensed
25 private hospital, institution, or facility, or part thereof,
26 and any facility, or part thereof, operated by the State or a

1 political subdivision thereof which provide clinic, evaluation
2 facility, mental health center, or part thereof, which is used
3 primarily for the care or treatment of persons with mental
4 illness and includes all hospitals, institutions, clinics,
5 evaluation facilities, mental health centers, colleges,
6 universities, long-term care facilities, and nursing homes, or
7 parts thereof, which provide treatment of persons with mental
8 illness whether or not the primary purpose is to provide
9 treatment of persons with mental illness.

10 "Patient" means:

11 (1) a person who voluntarily receives mental health
12 treatment as an in-patient or resident of any public or
13 private mental health facility, unless the treatment was
14 solely for an alcohol abuse disorder and no other secondary
15 substance abuse disorder or mental illness, or

16 (2) a person who voluntarily receives mental health
17 treatment as an out-patient or is provided services by a
18 public or private mental health facility who poses a clear
19 and present danger to himself, herself, or to others.

20 "Physician" has the meaning as defined in Section 1-120 of
21 the Mental Health and Developmental Disabilities Code.

22 "Qualified examiner" has the meaning as defined in Section
23 1-122 of the Mental Health and Developmental Disabilities Code.

24 ~~"Patient in a mental institution" means the person was~~
25 ~~admitted, either voluntarily or involuntarily, to a mental~~
26 ~~institution for mental health treatment, unless the treatment~~

1 ~~was voluntary and solely for an alcohol abuse disorder and no~~
2 ~~other secondary substance abuse disorder or mental illness.~~

3 "Sanctioned competitive shooting event" means a shooting
4 contest officially recognized by a national or state shooting
5 sport association, and includes any sight-in or practice
6 conducted in conjunction with the event.

7 "School administrator" means the person required to report
8 under the School Administrator Reporting of Mental Health Clear
9 and Present Danger Determinations Act.

10 "Stun gun or taser" has the meaning ascribed to it in
11 Section 24-1 of the Criminal Code of 2012.

12 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;
13 97-1167, eff. 6-1-13.)

14 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

15 Sec. 3.1. Dial up system.

16 (a) The Department of State Police shall provide a dial up
17 telephone system or utilize other existing technology which
18 shall be used by any federally licensed firearm dealer, gun
19 show promoter, or gun show vendor who is to transfer a firearm,
20 stun gun, or taser under the provisions of this Act. The
21 Department of State Police may utilize existing technology
22 which allows the caller to be charged a fee not to exceed \$2.
23 Fees collected by the Department of State Police shall be
24 deposited in the State Police Services Fund and used to provide
25 the service.

1 (b) Upon receiving a request from a federally licensed
2 firearm dealer, gun show promoter, or gun show vendor, the
3 Department of State Police shall immediately approve, or within
4 the time period established by Section 24-3 of the Criminal
5 Code of 2012 regarding the delivery of firearms, stun guns, and
6 tasers notify the inquiring dealer, gun show promoter, or gun
7 show vendor of any objection that would disqualify the
8 transferee from acquiring or possessing a firearm, stun gun, or
9 taser. In conducting the inquiry, the Department of State
10 Police shall initiate and complete an automated search of its
11 criminal history record information files and those of the
12 Federal Bureau of Investigation, including the National
13 Instant Criminal Background Check System, and of the files of
14 the Department of Human Services relating to mental health and
15 developmental disabilities to obtain any felony conviction or
16 patient hospitalization information which would disqualify a
17 person from obtaining or require revocation of a currently
18 valid Firearm Owner's Identification Card.

19 (c) If receipt of a firearm would not violate Section 24-3
20 of the Criminal Code of 2012, federal law, or this Act the
21 Department of State Police shall:

22 (1) assign a unique identification number to the
23 transfer; and

24 (2) provide the licensee, gun show promoter, or gun
25 show vendor with the number.

26 (d) Approvals issued by the Department of State Police for

1 the purchase of a firearm are valid for 30 days from the date
2 of issue.

3 (e) (1) The Department of State Police must act as the
4 Illinois Point of Contact for the National Instant Criminal
5 Background Check System.

6 (2) The Department of State Police and the Department of
7 Human Services shall, in accordance with State and federal law
8 regarding confidentiality, enter into a memorandum of
9 understanding with the Federal Bureau of Investigation for the
10 purpose of implementing the National Instant Criminal
11 Background Check System in the State. The Department of State
12 Police shall report the name, date of birth, and physical
13 description of any person prohibited from possessing a firearm
14 pursuant to the Firearm Owners Identification Card Act or 18
15 U.S.C. 922(g) and (n) to the National Instant Criminal
16 Background Check System Index, Denied Persons Files.

17 (3) The Department of State Police shall provide notice of
18 the disqualification of a person under subsection (b) of this
19 Section or revocation of a person's Firearm Owner's
20 Identification Card under Section 8 of this Act and the reason
21 for the disqualification or revocation to all law enforcement
22 agencies with jurisdiction to assist with the seizure of the
23 person's Firearm Owner's Identification Card.

24 (f) The Department of State Police shall adopt ~~promulgate~~
25 rules not inconsistent with this Section to implement this
26 system.

1 (Source: P.A. 97-1150, eff. 1-25-13.)

2 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

3 (Text of Section before amendment by P.A. 97-1167)

4 Sec. 4. (a) Each applicant for a Firearm Owner's
5 Identification Card must:

6 (1) Make application on blank forms prepared and
7 furnished at convenient locations throughout the State by
8 the Department of State Police, or by electronic means, if
9 and when made available by the Department of State Police;
10 and

11 (2) Submit evidence to the Department of State Police
12 that:

13 (i) He or she is 21 years of age or over, or if he
14 or she is under 21 years of age that he or she has the
15 written consent of his or her parent or legal guardian
16 to possess and acquire firearms and firearm ammunition
17 and that he or she has never been convicted of a
18 misdemeanor other than a traffic offense or adjudged
19 delinquent, provided, however, that such parent or
20 legal guardian is not an individual prohibited from
21 having a Firearm Owner's Identification Card and files
22 an affidavit with the Department as prescribed by the
23 Department stating that he or she is not an individual
24 prohibited from having a Card;

25 (ii) He or she has not been convicted of a felony

1 under the laws of this or any other jurisdiction;

2 (iii) He or she is not addicted to narcotics;

3 (iv) He or she has not been a patient in a mental
4 institution within the past 5 years and he or she has
5 not been adjudicated as a mental defective;

6 (v) He or she is not intellectually disabled;

7 (vi) He or she is not an alien who is unlawfully
8 present in the United States under the laws of the
9 United States;

10 (vii) He or she is not subject to an existing order
11 of protection prohibiting him or her from possessing a
12 firearm;

13 (viii) He or she has not been convicted within the
14 past 5 years of battery, assault, aggravated assault,
15 violation of an order of protection, or a substantially
16 similar offense in another jurisdiction, in which a
17 firearm was used or possessed;

18 (ix) He or she has not been convicted of domestic
19 battery, aggravated domestic battery, or a
20 substantially similar offense in another jurisdiction
21 committed before, on or after January 1, 2012 (the
22 effective date of Public Act 97-158). If the applicant
23 knowingly and intelligently waives the right to have an
24 offense described in this clause (ix) tried by a jury,
25 and by guilty plea or otherwise, results in a
26 conviction for an offense in which a domestic

1 relationship is not a required element of the offense
2 but in which a determination of the applicability of 18
3 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
4 Code of Criminal Procedure of 1963, an entry by the
5 court of a judgment of conviction for that offense
6 shall be grounds for denying the issuance of a Firearm
7 Owner's Identification Card under this Section;

8 (x) (Blank);

9 (xi) He or she is not an alien who has been
10 admitted to the United States under a non-immigrant
11 visa (as that term is defined in Section 101(a)(26) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1101(a)(26))), or that he or she is an alien who has
14 been lawfully admitted to the United States under a
15 non-immigrant visa if that alien is:

16 (1) admitted to the United States for lawful
17 hunting or sporting purposes;

18 (2) an official representative of a foreign
19 government who is:

20 (A) accredited to the United States
21 Government or the Government's mission to an
22 international organization having its
23 headquarters in the United States; or

24 (B) en route to or from another country to
25 which that alien is accredited;

26 (3) an official of a foreign government or

1 distinguished foreign visitor who has been so
2 designated by the Department of State;

3 (4) a foreign law enforcement officer of a
4 friendly foreign government entering the United
5 States on official business; or

6 (5) one who has received a waiver from the
7 Attorney General of the United States pursuant to
8 18 U.S.C. 922 (y) (3);

9 (xii) He or she is not a minor subject to a
10 petition filed under Section 5-520 of the Juvenile
11 Court Act of 1987 alleging that the minor is a
12 delinquent minor for the commission of an offense that
13 if committed by an adult would be a felony;

14 (xiii) He or she is not an adult who had been
15 adjudicated a delinquent minor under the Juvenile
16 Court Act of 1987 for the commission of an offense that
17 if committed by an adult would be a felony; and

18 (xiv) He or she is a resident of the State of
19 Illinois; and

20 (3) Upon request by the Department of State Police,
21 sign a release on a form prescribed by the Department of
22 State Police waiving any right to confidentiality and
23 requesting the disclosure to the Department of State Police
24 of limited mental health institution admission information
25 from another state, the District of Columbia, any other
26 territory of the United States, or a foreign nation

1 concerning the applicant for the sole purpose of
2 determining whether the applicant is or was a patient in a
3 mental health institution and disqualified because of that
4 status from receiving a Firearm Owner's Identification
5 Card. No mental health care or treatment records may be
6 requested. The information received shall be destroyed
7 within one year of receipt.

8 (a-5) Each applicant for a Firearm Owner's Identification
9 Card who is over the age of 18 shall furnish to the Department
10 of State Police either his or her Illinois driver's license
11 number or Illinois Identification Card number, except as
12 provided in subsection (a-10).

13 (a-10) Each applicant for a Firearm Owner's Identification
14 Card, who is employed as a law enforcement officer, an armed
15 security officer in Illinois, or by the United States Military
16 permanently assigned in Illinois and who is not an Illinois
17 resident, shall furnish to the Department of State Police his
18 or her driver's license number or state identification card
19 number from his or her state of residence. The Department of
20 State Police may promulgate rules to enforce the provisions of
21 this subsection (a-10).

22 (a-15) If an applicant applying for a Firearm Owner's
23 Identification Card moves from the residence address named in
24 the application, he or she shall immediately notify in a form
25 and manner prescribed by the Department of State Police of that
26 change of address.

1 (a-20) Each applicant for a Firearm Owner's Identification
2 Card shall furnish to the Department of State Police his or her
3 photograph. An applicant who is 21 years of age or older
4 seeking a religious exemption to the photograph requirement
5 must furnish with the application an approved copy of United
6 States Department of the Treasury Internal Revenue Service Form
7 4029. In lieu of a photograph, an applicant regardless of age
8 seeking a religious exemption to the photograph requirement
9 shall submit fingerprints on a form and manner prescribed by
10 the Department with his or her application.

11 (b) Each application form shall include the following
12 statement printed in bold type: "Warning: Entering false
13 information on an application for a Firearm Owner's
14 Identification Card is punishable as a Class 2 felony in
15 accordance with subsection (d-5) of Section 14 of the Firearm
16 Owners Identification Card Act."

17 (c) Upon such written consent, pursuant to Section 4,
18 paragraph (a)(2)(i), the parent or legal guardian giving the
19 consent shall be liable for any damages resulting from the
20 applicant's use of firearms or firearm ammunition.

21 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
22 eff. 7-13-12; 97-1131, eff. 1-1-13.)

23 (Text of Section after amendment by P.A. 97-1167)

24 Sec. 4. (a) Each applicant for a Firearm Owner's
25 Identification Card must:

1 (1) Make application on blank forms prepared and
2 furnished at convenient locations throughout the State by
3 the Department of State Police, or by electronic means, if
4 and when made available by the Department of State Police;
5 and

6 (2) Submit evidence to the Department of State Police
7 that:

8 (i) He or she is 21 years of age or over, or if he
9 or she is under 21 years of age that he or she has the
10 written consent of his or her parent or legal guardian
11 to possess and acquire firearms and firearm ammunition
12 and that he or she has never been convicted of a
13 misdemeanor other than a traffic offense or adjudged
14 delinquent, provided, however, that such parent or
15 legal guardian is not an individual prohibited from
16 having a Firearm Owner's Identification Card and files
17 an affidavit with the Department as prescribed by the
18 Department stating that he or she is not an individual
19 prohibited from having a Card;

20 (ii) He or she has not been convicted of a felony
21 under the laws of this or any other jurisdiction;

22 (iii) He or she is not addicted to narcotics;

23 (iv) He or she has not been a patient in a mental
24 health facility ~~institution~~ within the past 5 years or
25 if he or she has been a patient in a mental health
26 facility more than 5 years ago submit the certification

1 required under subsection (u) of Section 8 of this Act;

2 (v) He or she is not intellectually disabled;

3 (vi) He or she is not an alien who is unlawfully
4 present in the United States under the laws of the
5 United States;

6 (vii) He or she is not subject to an existing order
7 of protection prohibiting him or her from possessing a
8 firearm;

9 (viii) He or she has not been convicted within the
10 past 5 years of battery, assault, aggravated assault,
11 violation of an order of protection, or a substantially
12 similar offense in another jurisdiction, in which a
13 firearm was used or possessed;

14 (ix) He or she has not been convicted of domestic
15 battery, aggravated domestic battery, or a
16 substantially similar offense in another jurisdiction
17 committed before, on or after January 1, 2012 (the
18 effective date of Public Act 97-158). If the applicant
19 knowingly and intelligently waives the right to have an
20 offense described in this clause (ix) tried by a jury,
21 and by guilty plea or otherwise, results in a
22 conviction for an offense in which a domestic
23 relationship is not a required element of the offense
24 but in which a determination of the applicability of 18
25 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
26 Code of Criminal Procedure of 1963, an entry by the

1 court of a judgment of conviction for that offense
2 shall be grounds for denying the issuance of a Firearm
3 Owner's Identification Card under this Section;

4 (x) (Blank);

5 (xi) He or she is not an alien who has been
6 admitted to the United States under a non-immigrant
7 visa (as that term is defined in Section 101(a)(26) of
8 the Immigration and Nationality Act (8 U.S.C.
9 1101(a)(26))), or that he or she is an alien who has
10 been lawfully admitted to the United States under a
11 non-immigrant visa if that alien is:

12 (1) admitted to the United States for lawful
13 hunting or sporting purposes;

14 (2) an official representative of a foreign
15 government who is:

16 (A) accredited to the United States
17 Government or the Government's mission to an
18 international organization having its
19 headquarters in the United States; or

20 (B) en route to or from another country to
21 which that alien is accredited;

22 (3) an official of a foreign government or
23 distinguished foreign visitor who has been so
24 designated by the Department of State;

25 (4) a foreign law enforcement officer of a
26 friendly foreign government entering the United

1 States on official business; or

2 (5) one who has received a waiver from the
3 Attorney General of the United States pursuant to
4 18 U.S.C. 922 (y) (3);

5 (xii) He or she is not a minor subject to a
6 petition filed under Section 5-520 of the Juvenile
7 Court Act of 1987 alleging that the minor is a
8 delinquent minor for the commission of an offense that
9 if committed by an adult would be a felony;

10 (xiii) He or she is not an adult who had been
11 adjudicated a delinquent minor under the Juvenile
12 Court Act of 1987 for the commission of an offense that
13 if committed by an adult would be a felony;

14 (xiv) He or she is a resident of the State of
15 Illinois; ~~and~~

16 (xv) He or she has not been adjudicated as a
17 mentally disabled person ~~mental-defective; and~~

18 (xvi) He or she has not been involuntarily admitted
19 into a mental health facility; and

20 (xvii) He or she is not developmentally disabled;
21 and

22 (3) Upon request by the Department of State Police,
23 sign a release on a form prescribed by the Department of
24 State Police waiving any right to confidentiality and
25 requesting the disclosure to the Department of State Police
26 of limited mental health institution admission information

1 from another state, the District of Columbia, any other
2 territory of the United States, or a foreign nation
3 concerning the applicant for the sole purpose of
4 determining whether the applicant is or was a patient in a
5 mental health institution and disqualified because of that
6 status from receiving a Firearm Owner's Identification
7 Card. No mental health care or treatment records may be
8 requested. The information received shall be destroyed
9 within one year of receipt.

10 (a-5) Each applicant for a Firearm Owner's Identification
11 Card who is over the age of 18 shall furnish to the Department
12 of State Police either his or her Illinois driver's license
13 number or Illinois Identification Card number, except as
14 provided in subsection (a-10).

15 (a-10) Each applicant for a Firearm Owner's Identification
16 Card, who is employed as a law enforcement officer, an armed
17 security officer in Illinois, or by the United States Military
18 permanently assigned in Illinois and who is not an Illinois
19 resident, shall furnish to the Department of State Police his
20 or her driver's license number or state identification card
21 number from his or her state of residence. The Department of
22 State Police may adopt ~~promulgate~~ rules to enforce the
23 provisions of this subsection (a-10).

24 (a-15) If an applicant applying for a Firearm Owner's
25 Identification Card moves from the residence address named in
26 the application, he or she shall immediately notify in a form

1 and manner prescribed by the Department of State Police of that
2 change of address.

3 (a-20) Each applicant for a Firearm Owner's Identification
4 Card shall furnish to the Department of State Police his or her
5 photograph. An applicant who is 21 years of age or older
6 seeking a religious exemption to the photograph requirement
7 must furnish with the application an approved copy of United
8 States Department of the Treasury Internal Revenue Service Form
9 4029. In lieu of a photograph, an applicant regardless of age
10 seeking a religious exemption to the photograph requirement
11 shall submit fingerprints on a form and manner prescribed by
12 the Department with his or her application.

13 (b) Each application form shall include the following
14 statement printed in bold type: "Warning: Entering false
15 information on an application for a Firearm Owner's
16 Identification Card is punishable as a Class 2 felony in
17 accordance with subsection (d-5) of Section 14 of the Firearm
18 Owners Identification Card Act."

19 (c) Upon such written consent, pursuant to Section 4,
20 paragraph (a)(2)(i), the parent or legal guardian giving the
21 consent shall be liable for any damages resulting from the
22 applicant's use of firearms or firearm ammunition.

23 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
24 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13.)

1 Sec. 5. The Department of State Police shall either approve
2 or deny all applications within 30 days from the date they are
3 received, and every applicant found qualified under ~~pursuant to~~
4 Section 8 of this Act by the Department shall be entitled to a
5 Firearm Owner's Identification Card upon the payment of a \$10
6 fee. Any applicant who is an active duty member of the Armed
7 Forces of the United States, a member of the Illinois National
8 Guard, or a member of the Reserve Forces of the United States
9 is exempt from the application fee. \$6 of each fee derived from
10 the issuance of Firearm Owner's Identification Cards, or
11 renewals thereof, shall be deposited in the Wildlife and Fish
12 Fund in the State Treasury; \$1 of the ~~such~~ fee shall be
13 deposited in the State Police Services Fund and \$3 of the ~~such~~
14 fee shall be deposited in the State Police Firearm Services
15 Fund. ~~Firearm Owner's Notification Fund. Monies in the Firearm~~
16 ~~Owner's Notification Fund shall be used exclusively to pay for~~
17 ~~the cost of sending notices of expiration of Firearm Owner's~~
18 ~~Identification Cards under Section 13.2 of this Act. Excess~~
19 ~~monies in the Firearm Owner's Notification Fund shall be used~~
20 ~~to ensure the prompt and efficient processing of applications~~
21 ~~received under Section 4 of this Act.~~

22 (Source: P.A. 95-581, eff. 6-1-08; 96-91, eff. 7-27-09.)

23 (430 ILCS 65/5.1 new)

24 Sec. 5.1. State Police Firearm Services Fund. All moneys
25 remaining in the Firearm Owner's Notification Fund on the

1 effective date of this amendatory Act of the 98th General
2 Assembly shall be transferred into the State Police Firearm
3 Services Fund, a special fund created in the State treasury, to
4 be expended by the Department of State Police, for the purposes
5 specified in this Act and Section 2605-595 of the Department of
6 State Police Law of the Civil Administrative Code of Illinois.

7 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

8 (Text of Section before amendment by P.A. 97-1167)

9 Sec. 8. The Department of State Police has authority to
10 deny an application for or to revoke and seize a Firearm
11 Owner's Identification Card previously issued under this Act
12 only if the Department finds that the applicant or the person
13 to whom such card was issued is or was at the time of issuance:

14 (a) A person under 21 years of age who has been convicted
15 of a misdemeanor other than a traffic offense or adjudged
16 delinquent;

17 (b) A person under 21 years of age who does not have the
18 written consent of his parent or guardian to acquire and
19 possess firearms and firearm ammunition, or whose parent or
20 guardian has revoked such written consent, or where such parent
21 or guardian does not qualify to have a Firearm Owner's
22 Identification Card;

23 (c) A person convicted of a felony under the laws of this
24 or any other jurisdiction;

25 (d) A person addicted to narcotics;

1 (e) A person who has been a patient of a mental institution
2 within the past 5 years or has been adjudicated as a mental
3 defective;

4 (f) A person whose mental condition is of such a nature
5 that it poses a clear and present danger to the applicant, any
6 other person or persons or the community;

7 For the purposes of this Section, "mental condition" means
8 a state of mind manifested by violent, suicidal, threatening or
9 assaultive behavior.

10 (g) A person who is intellectually disabled;

11 (h) A person who intentionally makes a false statement in
12 the Firearm Owner's Identification Card application;

13 (i) An alien who is unlawfully present in the United States
14 under the laws of the United States;

15 (i-5) An alien who has been admitted to the United States
16 under a non-immigrant visa (as that term is defined in Section
17 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(26))), except that this subsection (i-5) does not apply
19 to any alien who has been lawfully admitted to the United
20 States under a non-immigrant visa if that alien is:

21 (1) admitted to the United States for lawful hunting or
22 sporting purposes;

23 (2) an official representative of a foreign government
24 who is:

25 (A) accredited to the United States Government or
26 the Government's mission to an international

1 organization having its headquarters in the United
2 States; or

3 (B) en route to or from another country to which
4 that alien is accredited;

5 (3) an official of a foreign government or
6 distinguished foreign visitor who has been so designated by
7 the Department of State;

8 (4) a foreign law enforcement officer of a friendly
9 foreign government entering the United States on official
10 business; or

11 (5) one who has received a waiver from the Attorney
12 General of the United States pursuant to 18 U.S.C.
13 922(y)(3);

14 (j) (Blank);

15 (k) A person who has been convicted within the past 5 years
16 of battery, assault, aggravated assault, violation of an order
17 of protection, or a substantially similar offense in another
18 jurisdiction, in which a firearm was used or possessed;

19 (l) A person who has been convicted of domestic battery,
20 aggravated domestic battery, or a substantially similar
21 offense in another jurisdiction committed before, on or after
22 January 1, 2012 (the effective date of Public Act 97-158). If
23 the applicant or person who has been previously issued a
24 Firearm Owner's Identification Card under this Act knowingly
25 and intelligently waives the right to have an offense described
26 in this paragraph (l) tried by a jury, and by guilty plea or

1 otherwise, results in a conviction for an offense in which a
2 domestic relationship is not a required element of the offense
3 but in which a determination of the applicability of 18 U.S.C.
4 922(g)(9) is made under Section 112A-11.1 of the Code of
5 Criminal Procedure of 1963, an entry by the court of a judgment
6 of conviction for that offense shall be grounds for denying an
7 application for and for revoking and seizing a Firearm Owner's
8 Identification Card previously issued to the person under this
9 Act;

10 (m) (Blank);

11 (n) A person who is prohibited from acquiring or possessing
12 firearms or firearm ammunition by any Illinois State statute or
13 by federal law;

14 (o) A minor subject to a petition filed under Section 5-520
15 of the Juvenile Court Act of 1987 alleging that the minor is a
16 delinquent minor for the commission of an offense that if
17 committed by an adult would be a felony;

18 (p) An adult who had been adjudicated a delinquent minor
19 under the Juvenile Court Act of 1987 for the commission of an
20 offense that if committed by an adult would be a felony; or

21 (q) A person who is not a resident of the State of
22 Illinois, except as provided in subsection (a-10) of Section 4.
23 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
24 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

25 (Text of Section after amendment by P.A. 97-1167)

1 Sec. 8. The Department of State Police has authority to
2 deny an application for or to revoke and seize a Firearm
3 Owner's Identification Card previously issued under this Act
4 only if the Department finds that the applicant or the person
5 to whom such card was issued is or was at the time of issuance:

6 (a) A person under 21 years of age who has been convicted
7 of a misdemeanor other than a traffic offense or adjudged
8 delinquent;

9 (b) A person under 21 years of age who does not have the
10 written consent of his parent or guardian to acquire and
11 possess firearms and firearm ammunition, or whose parent or
12 guardian has revoked such written consent, or where such parent
13 or guardian does not qualify to have a Firearm Owner's
14 Identification Card;

15 (c) A person convicted of a felony under the laws of this
16 or any other jurisdiction;

17 (d) A person addicted to narcotics;

18 (e) A person who has been a patient of a mental health
19 facility ~~institution~~ within the past 5 years or a person who
20 has been a patient in a mental health facility more than 5
21 years ago and has not received the certification required under
22 subsection (u) of this Section. An active law enforcement
23 officer employed by a unit of government who is denied,
24 revoked, or has his or her Firearm Owner's Identification Card
25 seized under this subsection (e) may obtain relief as described
26 in subsection (c-5) of Section 10 of this Act if the officer

1 did not act in a manner threatening to the officer, another
2 person, or the public as determined by the treating clinical
3 psychologist or physician, and the officer seeks mental health
4 treatment;

5 (f) A person whose mental condition is of such a nature
6 that it poses a clear and present danger to the applicant, any
7 other person or persons or the community;

8 ~~For the purposes of this Section, "mental condition" means~~
9 ~~a state of mind manifested by violent, suicidal, threatening or~~
10 ~~assaultive behavior.~~

11 (g) A person who is intellectually disabled;

12 (h) A person who intentionally makes a false statement in
13 the Firearm Owner's Identification Card application;

14 (i) An alien who is unlawfully present in the United States
15 under the laws of the United States;

16 (i-5) An alien who has been admitted to the United States
17 under a non-immigrant visa (as that term is defined in Section
18 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
19 1101(a)(26))), except that this subsection (i-5) does not apply
20 to any alien who has been lawfully admitted to the United
21 States under a non-immigrant visa if that alien is:

22 (1) admitted to the United States for lawful hunting or
23 sporting purposes;

24 (2) an official representative of a foreign government
25 who is:

26 (A) accredited to the United States Government or

1 the Government's mission to an international
2 organization having its headquarters in the United
3 States; or

4 (B) en route to or from another country to which
5 that alien is accredited;

6 (3) an official of a foreign government or
7 distinguished foreign visitor who has been so designated by
8 the Department of State;

9 (4) a foreign law enforcement officer of a friendly
10 foreign government entering the United States on official
11 business; or

12 (5) one who has received a waiver from the Attorney
13 General of the United States pursuant to 18 U.S.C.
14 922(y)(3);

15 (j) (Blank);

16 (k) A person who has been convicted within the past 5 years
17 of battery, assault, aggravated assault, violation of an order
18 of protection, or a substantially similar offense in another
19 jurisdiction, in which a firearm was used or possessed;

20 (l) A person who has been convicted of domestic battery,
21 aggravated domestic battery, or a substantially similar
22 offense in another jurisdiction committed before, on or after
23 January 1, 2012 (the effective date of Public Act 97-158). If
24 the applicant or person who has been previously issued a
25 Firearm Owner's Identification Card under this Act knowingly
26 and intelligently waives the right to have an offense described

1 in this paragraph (l) tried by a jury, and by guilty plea or
2 otherwise, results in a conviction for an offense in which a
3 domestic relationship is not a required element of the offense
4 but in which a determination of the applicability of 18 U.S.C.
5 922(g)(9) is made under Section 112A-11.1 of the Code of
6 Criminal Procedure of 1963, an entry by the court of a judgment
7 of conviction for that offense shall be grounds for denying an
8 application for and for revoking and seizing a Firearm Owner's
9 Identification Card previously issued to the person under this
10 Act;

11 (m) (Blank);

12 (n) A person who is prohibited from acquiring or possessing
13 firearms or firearm ammunition by any Illinois State statute or
14 by federal law;

15 (o) A minor subject to a petition filed under Section 5-520
16 of the Juvenile Court Act of 1987 alleging that the minor is a
17 delinquent minor for the commission of an offense that if
18 committed by an adult would be a felony;

19 (p) An adult who had been adjudicated a delinquent minor
20 under the Juvenile Court Act of 1987 for the commission of an
21 offense that if committed by an adult would be a felony;

22 (q) A person who is not a resident of the State of
23 Illinois, except as provided in subsection (a-10) of Section 4;
24 ~~or~~

25 (r) A person who has been adjudicated as a mentally
26 disabled person; ~~mental defective.~~

1 (s) A person who has been found to be developmentally
2 disabled;

3 (t) A person involuntarily admitted into a mental health
4 facility;

5 (u) A person who has had his or her Firearm Owner's
6 Identification Card revoked or denied under subsection (e) of
7 this Section or item (iv) of Section 4 of this Act because he
8 or she was a patient in a mental health facility as provided in
9 item (2) of subsection (e) of this Section, shall not be
10 permitted to obtain a Firearm Owner's Identification Card,
11 after the 5 year period has lapsed, unless he or she has
12 received a mental health evaluation by a physician, clinical
13 psychologist, or qualified examiner as those terms are defined
14 in the Mental Health and Developmental Disabilities Code, and
15 has received a certification that he or she is not a clear and
16 present danger to himself, herself, or others. The physician,
17 clinical psychologist, or qualified examiner making the
18 certification shall not be held criminally, civilly, or
19 professionally liable for making or not making the
20 certification required under this subsection, except for
21 willful or wanton misconduct. This subsection does not apply to
22 a person whose firearm possession rights have been restored
23 through administrative or judicial action under Section 10 or
24 11 of this Act; or

25 (v) Upon revocation of a person's Firearm Owner's
26 Identification Card, the Department of State Police shall

1 provide notice to the person and the person shall comply with
2 Section 9.5 of this Act.

3 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
4 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;
5 97-1167, eff. 6-1-13.)

6 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

7 Sec. 8.1. Notifications to the Circuit Clerk to notify
8 Department of State Police.

9 (a) The Circuit Clerk shall, in the form and manner
10 required by the Supreme Court, notify the Department of State
11 Police of all final dispositions of cases for which the
12 Department has received information reported to it under
13 Sections 2.1 and 2.2 of the Criminal Identification Act.

14 (b) Upon adjudication of any individual as a mentally
15 disabled person ~~mental defective~~, as defined in Section 1.1 of
16 this Act ~~or as provided in paragraph (3.5) of subsection (c) of~~
17 ~~Section 104-26 of the Code of Criminal Procedure of 1963~~, the
18 court shall direct the circuit court clerk to immediately
19 notify the Department of State Police, Firearm Owner's
20 Identification (FOID) department, and shall forward a copy of
21 the court order to the Department.

22 (c) The Department of Human Services shall, in the form and
23 manner prescribed by the Department of State Police, report all
24 information collected under subsection (b) of Section 12 of the
25 Mental Health and Developmental Disabilities Confidentiality

1 Act for the purpose of determining whether a person who may be
2 or may have been a patient in a mental health facility is
3 disqualified under State or federal law from receiving or
4 retaining a Firearm Owner's Identification Card, or purchasing
5 a weapon.

6 (d) If a person is determined to pose a clear and present
7 danger to himself, herself, or to others by a physician,
8 clinical psychologist, qualified examiner, law enforcement
9 official, or school administrator, or is determined to be
10 developmentally disabled by a physician, clinical
11 psychologist, or qualified examiner, whether employed by the
12 State or by a private mental health facility, the physician,
13 clinical psychologist, or qualified examiner shall, within 24
14 hours, notify the Department of Human Services that the person
15 poses a clear and present danger. The Department of Human
16 Services shall immediately update the files relating to mental
17 health and developmental disabilities, or if appropriate,
18 shall notify the Department of State Police in a form and
19 manner prescribed by the Department of State Police. The
20 Department of State Police shall determine whether to revoke
21 the person's Firearm Owner's Identification Card under Section
22 8 of this Act. Any information disclosed under this subsection
23 shall remain privileged and confidential, and shall not be
24 rediscovered, except as required under subsection (e) of Section
25 3.1 of this Act, nor used for any other purpose. The method of
26 providing this information shall guarantee that the

1 information is not released beyond what is necessary for the
2 purpose of this Section. The identity of the person reporting
3 under this Section shall not be disclosed to the subject of the
4 report. The physician, clinical psychologist, qualified
5 examiner, law enforcement official, or school administrator
6 making the determination shall not be held criminally, civilly,
7 or professionally liable for making or not making the
8 notification required under this subsection, except for
9 willful or wanton misconduct.

10 (e) The Department of State Police shall adopt rules to
11 implement this Section.

12 (Source: P.A. 97-1131, eff. 1-1-13.)

13 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

14 Sec. 9. Every person whose application for a Firearm
15 Owner's Identification Card is denied, and every holder of such
16 a Card whose Card is revoked or seized, shall receive a written
17 notice from the Department of State Police stating specifically
18 the grounds upon which his application has been denied or upon
19 which his Identification Card has been revoked. The written
20 notice shall include the requirements of Section 9.5 of this
21 Act and the persons's right to administrative or judicial
22 review under Section 10 and 11 of this Act. A copy of the
23 written notice shall be provided to the sheriff and law
24 enforcement agency where the person resides.

25 (Source: P.A. 97-1131, eff. 1-1-13.)

1 (430 ILCS 65/9.5 new)

2 Sec. 9.5. Revocation of Firearm Owner's Identification
3 Card.

4 (a) A person who receives a revocation notice under Section
5 9 of this Act shall, within 48 hours of receiving notice of the
6 revocation:

7 (1) surrender his or her Firearm Owner's
8 Identification Card to the local law enforcement agency
9 where the person resides. The local law enforcement agency
10 shall provide the person a receipt and transmit the Firearm
11 Owner's Identification Card to the Department of State
12 Police; and

13 (2) complete a Firearm Disposition Record on a form
14 prescribed by the Department of State Police and place his
15 or her firearms in the location or with the person reported
16 in the Firearm Disposition Record. The form shall require
17 the person to disclose:

18 (A) the make, model, and serial number of all
19 firearms owned by or under the custody and control of
20 the revoked person;

21 (B) the location where the firearms will be
22 maintained during the prohibited term; and

23 (C) if the firearms will be transferred to the
24 custody of another person, the name, address and
25 Firearm Owner's Identification Card number of the

1 transferee.

2 (b) The local law enforcement agency shall provide a copy
3 of the Firearm Disposition Record to the person whose Firearm
4 Owner's Identification Card has been revoked and to the
5 Department of State Police.

6 (c) If the person whose Firearm Owner's Identification Card
7 has been revoked fails to comply with the requirements of this
8 Section, the sheriff or law enforcement agency where the person
9 resides may petition the circuit court to issue a warrant to
10 search for and seize the Firearm Owner's Identification Card
11 and firearms in the possession and under the custody or control
12 of the person whose Firearm Owner's Identification Card has
13 been revoked.

14 (d) A violation of subsection (a) of this Section is a
15 Class A misdemeanor.

16 (e) The observation of a Firearm Owner's Identification
17 Card in the possession of a person whose Firearm Owner's
18 Identification Card has been revoked constitutes a sufficient
19 basis for the arrest of that person for violation of this
20 Section.

21 (f) Within 30 days after the effective date of this
22 amendatory Act of the 98th General Assembly, the Department of
23 State Police shall provide written notice of the requirements
24 of this Section to persons whose Firearm Owner's Identification
25 Cards have been revoked, suspended, or expired and who have
26 failed to surrender their cards to the Department.

1 (g) Persons whose Firearm Owner's Identification Cards
2 have been revoked and who receive notice under subsection (f)
3 shall comply with the requirements of this Section within 48
4 hours of receiving notice.

5 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

6 (Text of Section before amendment by P.A. 97-1167)

7 Sec. 10. Appeal to director; hearing; relief from firearm
8 prohibitions.

9 (a) Whenever an application for a Firearm Owner's
10 Identification Card is denied, whenever the Department fails to
11 act on an application within 30 days of its receipt, or
12 whenever such a Card is revoked or seized as provided for in
13 Section 8 of this Act, the aggrieved party may appeal to the
14 Director of State Police for a hearing upon such denial,
15 revocation or seizure, unless the denial, revocation, or
16 seizure was based upon a forcible felony, stalking, aggravated
17 stalking, domestic battery, any violation of the Illinois
18 Controlled Substances Act, the Methamphetamine Control and
19 Community Protection Act, or the Cannabis Control Act that is
20 classified as a Class 2 or greater felony, any felony violation
21 of Article 24 of the Criminal Code of 1961 or the Criminal Code
22 of 2012, or any adjudication as a delinquent minor for the
23 commission of an offense that if committed by an adult would be
24 a felony, in which case the aggrieved party may petition the
25 circuit court in writing in the county of his or her residence

1 for a hearing upon such denial, revocation, or seizure.

2 (b) At least 30 days before any hearing in the circuit
3 court, the petitioner shall serve the relevant State's Attorney
4 with a copy of the petition. The State's Attorney may object to
5 the petition and present evidence. At the hearing the court
6 shall determine whether substantial justice has been done.
7 Should the court determine that substantial justice has not
8 been done, the court shall issue an order directing the
9 Department of State Police to issue a Card. However, the court
10 shall not issue the order if the petitioner is otherwise
11 prohibited from obtaining, possessing, or using a firearm under
12 federal law.

13 (c) Any person prohibited from possessing a firearm under
14 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
15 acquiring a Firearm Owner's Identification Card under Section 8
16 of this Act may apply to the Director of State Police or
17 petition the circuit court in the county where the petitioner
18 resides, whichever is applicable in accordance with subsection
19 (a) of this Section, requesting relief from such prohibition
20 and the Director or court may grant such relief if it is
21 established by the applicant to the court's or Director's
22 satisfaction that:

23 (0.05) when in the circuit court, the State's Attorney
24 has been served with a written copy of the petition at
25 least 30 days before any such hearing in the circuit court
26 and at the hearing the State's Attorney was afforded an

1 opportunity to present evidence and object to the petition;

2 (1) the applicant has not been convicted of a forcible
3 felony under the laws of this State or any other
4 jurisdiction within 20 years of the applicant's
5 application for a Firearm Owner's Identification Card, or
6 at least 20 years have passed since the end of any period
7 of imprisonment imposed in relation to that conviction;

8 (2) the circumstances regarding a criminal conviction,
9 where applicable, the applicant's criminal history and his
10 reputation are such that the applicant will not be likely
11 to act in a manner dangerous to public safety;

12 (3) granting relief would not be contrary to the public
13 interest; and

14 (4) granting relief would not be contrary to federal
15 law.

16 (d) When a minor is adjudicated delinquent for an offense
17 which if committed by an adult would be a felony, the court
18 shall notify the Department of State Police.

19 (e) The court shall review the denial of an application or
20 the revocation of a Firearm Owner's Identification Card of a
21 person who has been adjudicated delinquent for an offense that
22 if committed by an adult would be a felony if an application
23 for relief has been filed at least 10 years after the
24 adjudication of delinquency and the court determines that the
25 applicant should be granted relief from disability to obtain a
26 Firearm Owner's Identification Card. If the court grants

1 relief, the court shall notify the Department of State Police
2 that the disability has been removed and that the applicant is
3 eligible to obtain a Firearm Owner's Identification Card.

4 (f) Any person who is subject to the disabilities of 18
5 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
6 of 1968 because of an adjudication or commitment that occurred
7 under the laws of this State or who was determined to be
8 subject to the provisions of subsections (e), (f), or (g) of
9 Section 8 of this Act may apply to the Department of State
10 Police requesting relief from that prohibition. The Director
11 shall grant the relief if it is established by a preponderance
12 of the evidence that the person will not be likely to act in a
13 manner dangerous to public safety and that granting relief
14 would not be contrary to the public interest. In making this
15 determination, the Director shall receive evidence concerning
16 (i) the circumstances regarding the firearms disabilities from
17 which relief is sought; (ii) the petitioner's mental health and
18 criminal history records, if any; (iii) the petitioner's
19 reputation, developed at a minimum through character witness
20 statements, testimony, or other character evidence; and (iv)
21 changes in the petitioner's condition or circumstances since
22 the disqualifying events relevant to the relief sought. If
23 relief is granted under this subsection or by order of a court
24 under this Section, the Director shall as soon as practicable
25 but in no case later than 15 business days, update, correct,
26 modify, or remove the person's record in any database that the

1 Department of State Police makes available to the National
2 Instant Criminal Background Check System and notify the United
3 States Attorney General that the basis for the record being
4 made available no longer applies. The Department of State
5 Police shall adopt rules for the administration of this
6 subsection (f).

7 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;
8 97-1150, eff. 1-25-13.)

9 (Text of Section after amendment by P.A. 97-1167)

10 Sec. 10. Appeal to director; hearing; relief from firearm
11 prohibitions.

12 (a) Whenever an application for a Firearm Owner's
13 Identification Card is denied, whenever the Department fails to
14 act on an application within 30 days of its receipt, or
15 whenever such a Card is revoked or seized as provided for in
16 Section 8 of this Act, the aggrieved party may appeal to the
17 Director of State Police for a hearing upon such denial,
18 revocation or seizure, unless the denial, revocation, or
19 seizure was based upon a forcible felony, stalking, aggravated
20 stalking, domestic battery, any violation of the Illinois
21 Controlled Substances Act, the Methamphetamine Control and
22 Community Protection Act, or the Cannabis Control Act that is
23 classified as a Class 2 or greater felony, any felony violation
24 of Article 24 of the Criminal Code of 1961 or the Criminal Code
25 of 2012, or any adjudication as a delinquent minor for the

1 commission of an offense that if committed by an adult would be
2 a felony, in which case the aggrieved party may petition the
3 circuit court in writing in the county of his or her residence
4 for a hearing upon such denial, revocation, or seizure.

5 (b) At least 30 days before any hearing in the circuit
6 court, the petitioner shall serve the relevant State's Attorney
7 with a copy of the petition. The State's Attorney may object to
8 the petition and present evidence. At the hearing the court
9 shall determine whether substantial justice has been done.
10 Should the court determine that substantial justice has not
11 been done, the court shall issue an order directing the
12 Department of State Police to issue a Card. However, the court
13 shall not issue the order if the petitioner is otherwise
14 prohibited from obtaining, possessing, or using a firearm under
15 federal law.

16 (c) Any person prohibited from possessing a firearm under
17 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
18 acquiring a Firearm Owner's Identification Card under Section 8
19 of this Act may apply to the Director of State Police or
20 petition the circuit court in the county where the petitioner
21 resides, whichever is applicable in accordance with subsection
22 (a) of this Section, requesting relief from such prohibition
23 and the Director or court may grant such relief if it is
24 established by the applicant to the court's or Director's
25 satisfaction that:

26 (0.05) when in the circuit court, the State's Attorney

1 has been served with a written copy of the petition at
2 least 30 days before any such hearing in the circuit court
3 and at the hearing the State's Attorney was afforded an
4 opportunity to present evidence and object to the petition;

5 (1) the applicant has not been convicted of a forcible
6 felony under the laws of this State or any other
7 jurisdiction within 20 years of the applicant's
8 application for a Firearm Owner's Identification Card, or
9 at least 20 years have passed since the end of any period
10 of imprisonment imposed in relation to that conviction;

11 (2) the circumstances regarding a criminal conviction,
12 where applicable, the applicant's criminal history and his
13 reputation are such that the applicant will not be likely
14 to act in a manner dangerous to public safety;

15 (3) granting relief would not be contrary to the public
16 interest; and

17 (4) granting relief would not be contrary to federal
18 law.

19 (c-5) (1) An active law enforcement officer employed by
20 a unit of government, who is denied, revoked, or has his or
21 her Firearm Owner's Identification Card seized under
22 subsection (e) of Section 8 of this Act may apply to the
23 Director of State Police requesting relief if the officer
24 did not act in a manner threatening to the officer, another
25 person, or the public as determined by the treating
26 clinical psychologist or physician, and as a result of his

1 or her work is referred by the employer for or voluntarily
2 seeks mental health evaluation or treatment by a licensed
3 clinical psychologist, psychiatrist, or qualified
4 examiner, and:

5 (A) the officer has not received treatment
6 involuntarily at a mental health facility ~~institution~~,
7 regardless of the length of admission; or has not been
8 voluntarily admitted to a mental health facility
9 ~~institution~~ for more than 30 days and not for more than
10 one incident within the past 5 years; and

11 (B) the officer has not left the mental institution
12 against medical advice.

13 (2) The Director of State Police shall grant expedited
14 relief to active law enforcement officers described in
15 paragraph (1) of this subsection (c-5) upon a determination
16 by the Director that the officer's possession of a firearm
17 does not present a threat to themselves, others, or public
18 safety. The Director shall act on the request for relief
19 within 30 business days of receipt of:

20 (A) a notarized statement from the officer in the
21 form prescribed by the Director detailing the
22 circumstances that led to the hospitalization;

23 (B) all documentation regarding the admission,
24 evaluation, treatment and discharge from the treating
25 licensed clinical psychologist or psychiatrist of the
26 officer;

1 (C) a psychological fitness for duty evaluation of
2 the person completed after the time of discharge; and

3 (D) written confirmation in the form prescribed by
4 the Director from the treating licensed clinical
5 psychologist or psychiatrist that the provisions set
6 forth in paragraph (1) of this subsection (c-5) have
7 been met, the person successfully completed treatment,
8 and their professional opinion regarding the person's
9 ability to possess firearms.

10 (3) Officers eligible for the expedited relief in
11 paragraph (2) of this subsection (c-5) have the burden of
12 proof on eligibility and must provide all information
13 required. The Director may not consider granting expedited
14 relief until the proof and information is received.

15 (4) "Clinical psychologist", "psychiatrist", and
16 "qualified examiner" shall have the same meaning as
17 provided in Chapter 1 of the Mental Health and
18 Developmental Disabilities Code.

19 (d) When a minor is adjudicated delinquent for an offense
20 which if committed by an adult would be a felony, the court
21 shall notify the Department of State Police.

22 (e) The court shall review the denial of an application or
23 the revocation of a Firearm Owner's Identification Card of a
24 person who has been adjudicated delinquent for an offense that
25 if committed by an adult would be a felony if an application
26 for relief has been filed at least 10 years after the

1 adjudication of delinquency and the court determines that the
2 applicant should be granted relief from disability to obtain a
3 Firearm Owner's Identification Card. If the court grants
4 relief, the court shall notify the Department of State Police
5 that the disability has been removed and that the applicant is
6 eligible to obtain a Firearm Owner's Identification Card.

7 (f) Any person who is subject to the disabilities of 18
8 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
9 of 1968 because of an adjudication or commitment that occurred
10 under the laws of this State or who was determined to be
11 subject to the provisions of subsections (e), (f), or (g) of
12 Section 8 of this Act may apply to the Department of State
13 Police requesting relief from that prohibition. The Director
14 shall grant the relief if it is established by a preponderance
15 of the evidence that the person will not be likely to act in a
16 manner dangerous to public safety and that granting relief
17 would not be contrary to the public interest. In making this
18 determination, the Director shall receive evidence concerning
19 (i) the circumstances regarding the firearms disabilities from
20 which relief is sought; (ii) the petitioner's mental health and
21 criminal history records, if any; (iii) the petitioner's
22 reputation, developed at a minimum through character witness
23 statements, testimony, or other character evidence; and (iv)
24 changes in the petitioner's condition or circumstances since
25 the disqualifying events relevant to the relief sought. If
26 relief is granted under this subsection or by order of a court

1 under this Section, the Director shall as soon as practicable
2 but in no case later than 15 business days, update, correct,
3 modify, or remove the person's record in any database that the
4 Department of State Police makes available to the National
5 Instant Criminal Background Check System and notify the United
6 States Attorney General that the basis for the record being
7 made available no longer applies. The Department of State
8 Police shall adopt rules for the administration of this Section
9 ~~subsection (f)~~.

10 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;
11 97-1150, eff. 1-25-13; 97-1167, eff. 6-1-13.)

12 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

13 Sec. 13.2. The Department of State Police shall, 60 days
14 prior to the expiration of a Firearm Owner's Identification
15 Card, forward by first class mail to each person whose card is
16 to expire a notification of the expiration of the card and an
17 application which may be used to apply for renewal of the card.
18 It is the obligation of the holder of a Firearm Owner's
19 Identification Card to notify the Department of State Police of
20 any address change since the issuance of the Firearm Owner's
21 Identification Card. Whenever any person moves from the
22 residence address named on his or her card, the person shall
23 within 21 calendar days thereafter notify in a form and manner
24 prescribed by the Department of his or her old and new
25 residence addresses and the card number held by him or her. Any

1 person whose legal name has changed from the name on the card
2 that he or she has been previously issued must apply for a
3 corrected card within 30 calendar days after the change. The
4 cost for a corrected card shall be \$5 which shall be deposited
5 into the State Police Firearm Services Fund ~~Firearm Owner's~~
6 ~~Notification Fund~~.

7 (Source: P.A. 97-1131, eff. 1-1-13.)

8 Section 155. The Criminal Code of 2012 is amended by
9 changing Sections 24-1.6 and 24-2 as follows:

10 (720 ILCS 5/24-1.6)

11 Sec. 24-1.6. Aggravated unlawful use of a weapon.

12 (a) A person commits the offense of aggravated unlawful use
13 of a weapon when he or she knowingly:

14 (1) Carries on or about his or her person or in any
15 vehicle or concealed on or about his or her person except
16 when on his or her land or in his or her abode, legal
17 dwelling, or fixed place of business, or on the land or in
18 the legal dwelling of another person as an invitee with
19 that person's permission, any pistol, revolver, stun gun or
20 taser or other firearm; or

21 (2) Carries or possesses on or about his or her person,
22 upon any public street, alley, or other public lands within
23 the corporate limits of a city, village or incorporated
24 town, except when an invitee thereon or therein, for the

1 purpose of the display of such weapon or the lawful
2 commerce in weapons, or except when on his or her own land
3 or in his or her own abode, legal dwelling, or fixed place
4 of business, or on the land or in the legal dwelling of
5 another person as an invitee with that person's permission,
6 any pistol, revolver, stun gun or taser or other firearm;
7 and

8 (3) One of the following factors is present:

9 (A) the firearm, other than a pistol, revolver, or
10 handgun, possessed was uncased, loaded, and
11 immediately accessible at the time of the offense; or

12 (A-5) the pistol, revolver, or handgun possessed
13 was uncased, loaded, and immediately accessible at the
14 time of the offense and the person possessing the
15 pistol, revolver, or handgun has not been issued a
16 currently valid license under the Firearm Concealed
17 Carry Act; or

18 (B) the firearm, other than a pistol, revolver, or
19 handgun, possessed was uncased, unloaded, and the
20 ammunition for the weapon was immediately accessible
21 at the time of the offense; or

22 (B-5) the pistol, revolver, or handgun possessed
23 was uncased, unloaded, and the ammunition for the
24 weapon was immediately accessible at the time of the
25 offense and the person possessing the pistol,
26 revolver, or handgun has not been issued a currently

1 valid license under the Firearm Concealed Carry Act; or

2 (C) the person possessing the firearm has not been
3 issued a currently valid Firearm Owner's
4 Identification Card; or

5 (D) the person possessing the weapon was
6 previously adjudicated a delinquent minor under the
7 Juvenile Court Act of 1987 for an act that if committed
8 by an adult would be a felony; or

9 (E) the person possessing the weapon was engaged in
10 a misdemeanor violation of the Cannabis Control Act, in
11 a misdemeanor violation of the Illinois Controlled
12 Substances Act, or in a misdemeanor violation of the
13 Methamphetamine Control and Community Protection Act;
14 or

15 (F) (blank); or

16 (G) the person possessing the weapon had a order of
17 protection issued against him or her within the
18 previous 2 years; or

19 (H) the person possessing the weapon was engaged in
20 the commission or attempted commission of a
21 misdemeanor involving the use or threat of violence
22 against the person or property of another; or

23 (I) the person possessing the weapon was under 21
24 years of age and in possession of a handgun ~~as defined~~
25 ~~in Section 24-3~~, unless the person under 21 is engaged
26 in lawful activities under the Wildlife Code or

1 described in subsection 24-2(b)(1), (b)(3), or
2 24-2(f).

3 (a-5) "Handgun" as used in this Section has the meaning
4 given to it in Section 5 of the Firearm Concealed Carry Act.

5 (b) "Stun gun or taser" as used in this Section has the
6 same definition given to it in Section 24-1 of this Code.

7 (c) This Section does not apply to or affect the
8 transportation or possession of weapons that:

9 (i) are broken down in a non-functioning state; or

10 (ii) are not immediately accessible; or

11 (iii) are unloaded and enclosed in a case, firearm
12 carrying box, shipping box, or other container by a
13 person who has been issued a currently valid Firearm
14 Owner's Identification Card.

15 (d) Sentence.

16 (1) Aggravated unlawful use of a weapon is a Class 4
17 felony; a second or subsequent offense is a Class 2 felony
18 for which the person shall be sentenced to a term of
19 imprisonment of not less than 3 years and not more than 7
20 years.

21 (2) Except as otherwise provided in paragraphs (3) and
22 (4) of this subsection (d), a first offense of aggravated
23 unlawful use of a weapon committed with a firearm by a
24 person 18 years of age or older where the factors listed in
25 both items (A) and (C) or both items (A-5) and (C) of
26 paragraph (3) of subsection (a) are present is a Class 4

1 felony, for which the person shall be sentenced to a term
2 of imprisonment of not less than one year and not more than
3 3 years.

4 (3) Aggravated unlawful use of a weapon by a person who
5 has been previously convicted of a felony in this State or
6 another jurisdiction is a Class 2 felony for which the
7 person shall be sentenced to a term of imprisonment of not
8 less than 3 years and not more than 7 years.

9 (4) Aggravated unlawful use of a weapon while wearing
10 or in possession of body armor as defined in Section 33F-1
11 by a person who has not been issued a valid Firearms
12 Owner's Identification Card in accordance with Section 5 of
13 the Firearm Owners Identification Card Act is a Class X
14 felony.

15 (e) The possession of each firearm in violation of this
16 Section constitutes a single and separate violation.

17 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
18 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

19 (720 ILCS 5/24-2)

20 Sec. 24-2. Exemptions.

21 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
22 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
23 the following:

24 (1) Peace officers, and any person summoned by a peace
25 officer to assist in making arrests or preserving the

1 peace, while actually engaged in assisting such officer.

2 (2) Wardens, superintendents and keepers of prisons,
3 penitentiaries, jails and other institutions for the
4 detention of persons accused or convicted of an offense,
5 while in the performance of their official duty, or while
6 commuting between their homes and places of employment.

7 (3) Members of the Armed Services or Reserve Forces of
8 the United States or the Illinois National Guard or the
9 Reserve Officers Training Corps, while in the performance
10 of their official duty.

11 (4) Special agents employed by a railroad or a public
12 utility to perform police functions, and guards of armored
13 car companies, while actually engaged in the performance of
14 the duties of their employment or commuting between their
15 homes and places of employment; and watchmen while actually
16 engaged in the performance of the duties of their
17 employment.

18 (5) Persons licensed as private security contractors,
19 private detectives, or private alarm contractors, or
20 employed by an agency certified by the Department of
21 Financial and Professional Regulation, if their duties
22 include the carrying of a weapon under the provisions of
23 the Private Detective, Private Alarm, Private Security,
24 Fingerprint Vendor, and Locksmith Act of 2004, while
25 actually engaged in the performance of the duties of their
26 employment or commuting between their homes and places of

1 employment, provided that such commuting is accomplished
2 within one hour from departure from home or place of
3 employment, as the case may be. A person shall be
4 considered eligible for this exemption if he or she has
5 completed the required 20 hours of training for a private
6 security contractor, private detective, or private alarm
7 contractor, or employee of a licensed agency and 20 hours
8 of required firearm training, and has been issued a firearm
9 control card by the Department of Financial and
10 Professional Regulation. Conditions for the renewal of
11 firearm control cards issued under the provisions of this
12 Section shall be the same as for those cards issued under
13 the provisions of the Private Detective, Private Alarm,
14 Private Security, Fingerprint Vendor, and Locksmith Act of
15 2004. The firearm control card shall be carried by the
16 private security contractor, private detective, or private
17 alarm contractor, or employee of the licensed agency at all
18 times when he or she is in possession of a concealable
19 weapon.

20 (6) Any person regularly employed in a commercial or
21 industrial operation as a security guard for the protection
22 of persons employed and private property related to such
23 commercial or industrial operation, while actually engaged
24 in the performance of his or her duty or traveling between
25 sites or properties belonging to the employer, and who, as
26 a security guard, is a member of a security force of at

1 least 5 persons registered with the Department of Financial
2 and Professional Regulation; provided that such security
3 guard has successfully completed a course of study,
4 approved by and supervised by the Department of Financial
5 and Professional Regulation, consisting of not less than 40
6 hours of training that includes the theory of law
7 enforcement, liability for acts, and the handling of
8 weapons. A person shall be considered eligible for this
9 exemption if he or she has completed the required 20 hours
10 of training for a security officer and 20 hours of required
11 firearm training, and has been issued a firearm control
12 card by the Department of Financial and Professional
13 Regulation. Conditions for the renewal of firearm control
14 cards issued under the provisions of this Section shall be
15 the same as for those cards issued under the provisions of
16 the Private Detective, Private Alarm, Private Security,
17 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
18 control card shall be carried by the security guard at all
19 times when he or she is in possession of a concealable
20 weapon.

21 (7) Agents and investigators of the Illinois
22 Legislative Investigating Commission authorized by the
23 Commission to carry the weapons specified in subsections
24 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
25 any investigation for the Commission.

26 (8) Persons employed by a financial institution for the

1 protection of other employees and property related to such
2 financial institution, while actually engaged in the
3 performance of their duties, commuting between their homes
4 and places of employment, or traveling between sites or
5 properties owned or operated by such financial
6 institution, provided that any person so employed has
7 successfully completed a course of study, approved by and
8 supervised by the Department of Financial and Professional
9 Regulation, consisting of not less than 40 hours of
10 training which includes theory of law enforcement,
11 liability for acts, and the handling of weapons. A person
12 shall be considered to be eligible for this exemption if he
13 or she has completed the required 20 hours of training for
14 a security officer and 20 hours of required firearm
15 training, and has been issued a firearm control card by the
16 Department of Financial and Professional Regulation.
17 Conditions for renewal of firearm control cards issued
18 under the provisions of this Section shall be the same as
19 for those issued under the provisions of the Private
20 Detective, Private Alarm, Private Security, Fingerprint
21 Vendor, and Locksmith Act of 2004. Such firearm control
22 card shall be carried by the person so trained at all times
23 when such person is in possession of a concealable weapon.
24 For purposes of this subsection, "financial institution"
25 means a bank, savings and loan association, credit union or
26 company providing armored car services.

1 (9) Any person employed by an armored car company to
2 drive an armored car, while actually engaged in the
3 performance of his duties.

4 (10) Persons who have been classified as peace officers
5 pursuant to the Peace Officer Fire Investigation Act.

6 (11) Investigators of the Office of the State's
7 Attorneys Appellate Prosecutor authorized by the board of
8 governors of the Office of the State's Attorneys Appellate
9 Prosecutor to carry weapons pursuant to Section 7.06 of the
10 State's Attorneys Appellate Prosecutor's Act.

11 (12) Special investigators appointed by a State's
12 Attorney under Section 3-9005 of the Counties Code.

13 (12.5) Probation officers while in the performance of
14 their duties, or while commuting between their homes,
15 places of employment or specific locations that are part of
16 their assigned duties, with the consent of the chief judge
17 of the circuit for which they are employed.

18 (13) Court Security Officers while in the performance
19 of their official duties, or while commuting between their
20 homes and places of employment, with the consent of the
21 Sheriff.

22 (13.5) A person employed as an armed security guard at
23 a nuclear energy, storage, weapons or development site or
24 facility regulated by the Nuclear Regulatory Commission
25 who has completed the background screening and training
26 mandated by the rules and regulations of the Nuclear

1 Regulatory Commission.

2 (14) Manufacture, transportation, or sale of weapons
3 to persons authorized under subdivisions (1) through
4 (13.5) of this subsection to possess those weapons.

5 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
6 to or affect any person carrying a concealed pistol, revolver,
7 or handgun and the person has been issued a currently valid
8 license under the Firearm Concealed Carry Act at the time of
9 the commission of the offense.

10 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
11 24-1.6 do not apply to or affect any of the following:

12 (1) Members of any club or organization organized for
13 the purpose of practicing shooting at targets upon
14 established target ranges, whether public or private, and
15 patrons of such ranges, while such members or patrons are
16 using their firearms on those target ranges.

17 (2) Duly authorized military or civil organizations
18 while parading, with the special permission of the
19 Governor.

20 (3) Hunters, trappers or fishermen with a license or
21 permit while engaged in hunting, trapping or fishing.

22 (4) Transportation of weapons that are broken down in a
23 non-functioning state or are not immediately accessible.

24 (5) Carrying or possessing any pistol, revolver, stun
25 gun or taser or other firearm on the land or in the legal
26 dwelling of another person as an invitee with that person's

1 permission.

2 (c) Subsection 24-1(a)(7) does not apply to or affect any
3 of the following:

4 (1) Peace officers while in performance of their
5 official duties.

6 (2) Wardens, superintendents and keepers of prisons,
7 penitentiaries, jails and other institutions for the
8 detention of persons accused or convicted of an offense.

9 (3) Members of the Armed Services or Reserve Forces of
10 the United States or the Illinois National Guard, while in
11 the performance of their official duty.

12 (4) Manufacture, transportation, or sale of machine
13 guns to persons authorized under subdivisions (1) through
14 (3) of this subsection to possess machine guns, if the
15 machine guns are broken down in a non-functioning state or
16 are not immediately accessible.

17 (5) Persons licensed under federal law to manufacture
18 any weapon from which 8 or more shots or bullets can be
19 discharged by a single function of the firing device, or
20 ammunition for such weapons, and actually engaged in the
21 business of manufacturing such weapons or ammunition, but
22 only with respect to activities which are within the lawful
23 scope of such business, such as the manufacture,
24 transportation, or testing of such weapons or ammunition.
25 This exemption does not authorize the general private
26 possession of any weapon from which 8 or more shots or

1 bullets can be discharged by a single function of the
2 firing device, but only such possession and activities as
3 are within the lawful scope of a licensed manufacturing
4 business described in this paragraph.

5 During transportation, such weapons shall be broken
6 down in a non-functioning state or not immediately
7 accessible.

8 (6) The manufacture, transport, testing, delivery,
9 transfer or sale, and all lawful commercial or experimental
10 activities necessary thereto, of rifles, shotguns, and
11 weapons made from rifles or shotguns, or ammunition for
12 such rifles, shotguns or weapons, where engaged in by a
13 person operating as a contractor or subcontractor pursuant
14 to a contract or subcontract for the development and supply
15 of such rifles, shotguns, weapons or ammunition to the
16 United States government or any branch of the Armed Forces
17 of the United States, when such activities are necessary
18 and incident to fulfilling the terms of such contract.

19 The exemption granted under this subdivision (c)(6)
20 shall also apply to any authorized agent of any such
21 contractor or subcontractor who is operating within the
22 scope of his employment, where such activities involving
23 such weapon, weapons or ammunition are necessary and
24 incident to fulfilling the terms of such contract.

25 ~~During transportation, any such weapon shall be broken~~
26 ~~down in a non functioning state, or not immediately~~

1 ~~accessible.~~

2 (7) A person possessing a rifle with a barrel or
3 barrels less than 16 inches in length if: (A) the person
4 has been issued a Curios and Relics license from the U.S.
5 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
6 the person is an active member of a bona fide, nationally
7 recognized military re-enacting group and the modification
8 is required and necessary to accurately portray the weapon
9 for historical re-enactment purposes; the re-enactor is in
10 possession of a valid and current re-enacting group
11 membership credential; and the overall length of the weapon
12 as modified is not less than 26 inches.

13 ~~During transportation, any such weapon shall be broken~~
14 ~~down in a non functioning state, or not immediately~~
15 ~~accessible.~~

16 (d) Subsection 24-1(a)(1) does not apply to the purchase,
17 possession or carrying of a black-jack or slung-shot by a peace
18 officer.

19 (e) Subsection 24-1(a)(8) does not apply to any owner,
20 manager or authorized employee of any place specified in that
21 subsection nor to any law enforcement officer.

22 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
23 Section 24-1.6 do not apply to members of any club or
24 organization organized for the purpose of practicing shooting
25 at targets upon established target ranges, whether public or
26 private, while using their firearms on those target ranges.

1 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
2 to:

3 (1) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard, while in
5 the performance of their official duty.

6 (2) Bonafide collectors of antique or surplus military
7 ordinance.

8 (3) Laboratories having a department of forensic
9 ballistics, or specializing in the development of
10 ammunition or explosive ordinance.

11 (4) Commerce, preparation, assembly or possession of
12 explosive bullets by manufacturers of ammunition licensed
13 by the federal government, in connection with the supply of
14 those organizations and persons exempted by subdivision
15 (g)(1) of this Section, or like organizations and persons
16 outside this State, or the transportation of explosive
17 bullets to any organization or person exempted in this
18 Section by a common carrier or by a vehicle owned or leased
19 by an exempted manufacturer.

20 (g-5) Subsection 24-1(a)(6) does not apply to or affect
21 persons licensed under federal law to manufacture any device or
22 attachment of any kind designed, used, or intended for use in
23 silencing the report of any firearm, firearms, or ammunition
24 for those firearms equipped with those devices, and actually
25 engaged in the business of manufacturing those devices,
26 firearms, or ammunition, but only with respect to activities

1 that are within the lawful scope of that business, such as the
2 manufacture, transportation, or testing of those devices,
3 firearms, or ammunition. This exemption does not authorize the
4 general private possession of any device or attachment of any
5 kind designed, used, or intended for use in silencing the
6 report of any firearm, but only such possession and activities
7 as are within the lawful scope of a licensed manufacturing
8 business described in this subsection (g-5). During
9 transportation, these devices shall be detached from any weapon
10 or not immediately accessible.

11 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
12 24-1.6 do not apply to or affect any parole agent or parole
13 supervisor who meets the qualifications and conditions
14 prescribed in Section 3-14-1.5 of the Unified Code of
15 Corrections.

16 (g-7) Subsection 24-1(a)(6) does not apply to a peace
17 officer while serving as a member of a tactical response team
18 or special operations team. A peace officer may not personally
19 own or apply for ownership of a device or attachment of any
20 kind designed, used, or intended for use in silencing the
21 report of any firearm. These devices shall be owned and
22 maintained by lawfully recognized units of government whose
23 duties include the investigation of criminal acts.

24 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
25 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
26 athlete's possession, transport on official Olympic and

1 Paralympic transit systems established for athletes, or use of
2 competition firearms sanctioned by the International Olympic
3 Committee, the International Paralympic Committee, the
4 International Shooting Sport Federation, or USA Shooting in
5 connection with such athlete's training for and participation
6 in shooting competitions at the 2016 Olympic and Paralympic
7 Games and sanctioned test events leading up to the 2016 Olympic
8 and Paralympic Games.

9 (h) An information or indictment based upon a violation of
10 any subsection of this Article need not negate any exemptions
11 contained in this Article. The defendant shall have the burden
12 of proving such an exemption.

13 (i) Nothing in this Article shall prohibit, apply to, or
14 affect the transportation, carrying, or possession, of any
15 pistol or revolver, stun gun, taser, or other firearm consigned
16 to a common carrier operating under license of the State of
17 Illinois or the federal government, where such transportation,
18 carrying, or possession is incident to the lawful
19 transportation in which such common carrier is engaged; and
20 nothing in this Article shall prohibit, apply to, or affect the
21 transportation, carrying, or possession of any pistol,
22 revolver, stun gun, taser, or other firearm, not the subject of
23 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
24 this Article, which is unloaded and enclosed in a case, firearm
25 carrying box, shipping box, or other container, by the
26 possessor of a valid Firearm Owners Identification Card.

1 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
2 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;
3 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;
4 revised 8-23-12.)

5 Section 160. The Code of Criminal Procedure of 1963 is
6 amended by changing Section 112A-14 as follows:

7 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

8 Sec. 112A-14. Order of protection; remedies.

9 (a) Issuance of order. If the court finds that petitioner
10 has been abused by a family or household member, as defined in
11 this Article, an order of protection prohibiting such abuse
12 shall issue; provided that petitioner must also satisfy the
13 requirements of one of the following Sections, as appropriate:
14 Section 112A-17 on emergency orders, Section 112A-18 on interim
15 orders, or Section 112A-19 on plenary orders. Petitioner shall
16 not be denied an order of protection because petitioner or
17 respondent is a minor. The court, when determining whether or
18 not to issue an order of protection, shall not require physical
19 manifestations of abuse on the person of the victim.
20 Modification and extension of prior orders of protection shall
21 be in accordance with this Article.

22 (b) Remedies and standards. The remedies to be included in
23 an order of protection shall be determined in accordance with
24 this Section and one of the following Sections, as appropriate:

1 Section 112A-17 on emergency orders, Section 112A-18 on interim
2 orders, and Section 112A-19 on plenary orders. The remedies
3 listed in this subsection shall be in addition to other civil
4 or criminal remedies available to petitioner.

5 (1) Prohibition of abuse. Prohibit respondent's
6 harassment, interference with personal liberty,
7 intimidation of a dependent, physical abuse or willful
8 deprivation, as defined in this Article, if such abuse has
9 occurred or otherwise appears likely to occur if not
10 prohibited.

11 (2) Grant of exclusive possession of residence.
12 Prohibit respondent from entering or remaining in any
13 residence, household, or premises of the petitioner,
14 including one owned or leased by respondent, if petitioner
15 has a right to occupancy thereof. The grant of exclusive
16 possession of the residence, household, or premises shall
17 not affect title to real property, nor shall the court be
18 limited by the standard set forth in Section 701 of the
19 Illinois Marriage and Dissolution of Marriage Act.

20 (A) Right to occupancy. A party has a right to
21 occupancy of a residence or household if it is solely
22 or jointly owned or leased by that party, that party's
23 spouse, a person with a legal duty to support that
24 party or a minor child in that party's care, or by any
25 person or entity other than the opposing party that
26 authorizes that party's occupancy (e.g., a domestic

1 violence shelter). Standards set forth in subparagraph
2 (B) shall not preclude equitable relief.

3 (B) Presumption of hardships. If petitioner and
4 respondent each has the right to occupancy of a
5 residence or household, the court shall balance (i) the
6 hardships to respondent and any minor child or
7 dependent adult in respondent's care resulting from
8 entry of this remedy with (ii) the hardships to
9 petitioner and any minor child or dependent adult in
10 petitioner's care resulting from continued exposure to
11 the risk of abuse (should petitioner remain at the
12 residence or household) or from loss of possession of
13 the residence or household (should petitioner leave to
14 avoid the risk of abuse). When determining the balance
15 of hardships, the court shall also take into account
16 the accessibility of the residence or household.
17 Hardships need not be balanced if respondent does not
18 have a right to occupancy.

19 The balance of hardships is presumed to favor
20 possession by petitioner unless the presumption is
21 rebutted by a preponderance of the evidence, showing
22 that the hardships to respondent substantially
23 outweigh the hardships to petitioner and any minor
24 child or dependent adult in petitioner's care. The
25 court, on the request of petitioner or on its own
26 motion, may order respondent to provide suitable,

1 accessible, alternate housing for petitioner instead
2 of excluding respondent from a mutual residence or
3 household.

4 (3) Stay away order and additional prohibitions. Order
5 respondent to stay away from petitioner or any other person
6 protected by the order of protection, or prohibit
7 respondent from entering or remaining present at
8 petitioner's school, place of employment, or other
9 specified places at times when petitioner is present, or
10 both, if reasonable, given the balance of hardships.
11 Hardships need not be balanced for the court to enter a
12 stay away order or prohibit entry if respondent has no
13 right to enter the premises.

14 If an order of protection grants petitioner exclusive
15 possession of the residence, or prohibits respondent from
16 entering the residence, or orders respondent to stay away
17 from petitioner or other protected persons, then the court
18 may allow respondent access to the residence to remove
19 items of clothing and personal adornment used exclusively
20 by respondent, medications, and other items as the court
21 directs. The right to access shall be exercised on only one
22 occasion as the court directs and in the presence of an
23 agreed-upon adult third party or law enforcement officer.

24 (4) Counseling. Require or recommend the respondent to
25 undergo counseling for a specified duration with a social
26 worker, psychologist, clinical psychologist, psychiatrist,

1 family service agency, alcohol or substance abuse program,
2 mental health center guidance counselor, agency providing
3 services to elders, program designed for domestic violence
4 abusers or any other guidance service the court deems
5 appropriate. The court may order the respondent in any
6 intimate partner relationship to report to an Illinois
7 Department of Human Services protocol approved partner
8 abuse intervention program for an assessment and to follow
9 all recommended treatment.

10 (5) Physical care and possession of the minor child. In
11 order to protect the minor child from abuse, neglect, or
12 unwarranted separation from the person who has been the
13 minor child's primary caretaker, or to otherwise protect
14 the well-being of the minor child, the court may do either
15 or both of the following: (i) grant petitioner physical
16 care or possession of the minor child, or both, or (ii)
17 order respondent to return a minor child to, or not remove
18 a minor child from, the physical care of a parent or person
19 in loco parentis.

20 If a court finds, after a hearing, that respondent has
21 committed abuse (as defined in Section 112A-3) of a minor
22 child, there shall be a rebuttable presumption that
23 awarding physical care to respondent would not be in the
24 minor child's best interest.

25 (6) Temporary legal custody. Award temporary legal
26 custody to petitioner in accordance with this Section, the

1 Illinois Marriage and Dissolution of Marriage Act, the
2 Illinois Parentage Act of 1984, and this State's Uniform
3 Child-Custody Jurisdiction and Enforcement Act.

4 If a court finds, after a hearing, that respondent has
5 committed abuse (as defined in Section 112A-3) of a minor
6 child, there shall be a rebuttable presumption that
7 awarding temporary legal custody to respondent would not be
8 in the child's best interest.

9 (7) Visitation. Determine the visitation rights, if
10 any, of respondent in any case in which the court awards
11 physical care or temporary legal custody of a minor child
12 to petitioner. The court shall restrict or deny
13 respondent's visitation with a minor child if the court
14 finds that respondent has done or is likely to do any of
15 the following: (i) abuse or endanger the minor child during
16 visitation; (ii) use the visitation as an opportunity to
17 abuse or harass petitioner or petitioner's family or
18 household members; (iii) improperly conceal or detain the
19 minor child; or (iv) otherwise act in a manner that is not
20 in the best interests of the minor child. The court shall
21 not be limited by the standards set forth in Section 607.1
22 of the Illinois Marriage and Dissolution of Marriage Act.
23 If the court grants visitation, the order shall specify
24 dates and times for the visitation to take place or other
25 specific parameters or conditions that are appropriate. No
26 order for visitation shall refer merely to the term

1 "reasonable visitation".

2 Petitioner may deny respondent access to the minor
3 child if, when respondent arrives for visitation,
4 respondent is under the influence of drugs or alcohol and
5 constitutes a threat to the safety and well-being of
6 petitioner or petitioner's minor children or is behaving in
7 a violent or abusive manner.

8 If necessary to protect any member of petitioner's
9 family or household from future abuse, respondent shall be
10 prohibited from coming to petitioner's residence to meet
11 the minor child for visitation, and the parties shall
12 submit to the court their recommendations for reasonable
13 alternative arrangements for visitation. A person may be
14 approved to supervise visitation only after filing an
15 affidavit accepting that responsibility and acknowledging
16 accountability to the court.

17 (8) Removal or concealment of minor child. Prohibit
18 respondent from removing a minor child from the State or
19 concealing the child within the State.

20 (9) Order to appear. Order the respondent to appear in
21 court, alone or with a minor child, to prevent abuse,
22 neglect, removal or concealment of the child, to return the
23 child to the custody or care of the petitioner or to permit
24 any court-ordered interview or examination of the child or
25 the respondent.

26 (10) Possession of personal property. Grant petitioner

1 exclusive possession of personal property and, if
2 respondent has possession or control, direct respondent to
3 promptly make it available to petitioner, if:

4 (i) petitioner, but not respondent, owns the
5 property; or

6 (ii) the parties own the property jointly; sharing
7 it would risk abuse of petitioner by respondent or is
8 impracticable; and the balance of hardships favors
9 temporary possession by petitioner.

10 If petitioner's sole claim to ownership of the property
11 is that it is marital property, the court may award
12 petitioner temporary possession thereof under the
13 standards of subparagraph (ii) of this paragraph only if a
14 proper proceeding has been filed under the Illinois
15 Marriage and Dissolution of Marriage Act, as now or
16 hereafter amended.

17 No order under this provision shall affect title to
18 property.

19 (11) Protection of property. Forbid the respondent
20 from taking, transferring, encumbering, concealing,
21 damaging or otherwise disposing of any real or personal
22 property, except as explicitly authorized by the court, if:

23 (i) petitioner, but not respondent, owns the
24 property; or

25 (ii) the parties own the property jointly, and the
26 balance of hardships favors granting this remedy.

1 If petitioner's sole claim to ownership of the property
2 is that it is marital property, the court may grant
3 petitioner relief under subparagraph (ii) of this
4 paragraph only if a proper proceeding has been filed under
5 the Illinois Marriage and Dissolution of Marriage Act, as
6 now or hereafter amended.

7 The court may further prohibit respondent from
8 improperly using the financial or other resources of an
9 aged member of the family or household for the profit or
10 advantage of respondent or of any other person.

11 (11.5) Protection of animals. Grant the petitioner the
12 exclusive care, custody, or control of any animal owned,
13 possessed, leased, kept, or held by either the petitioner
14 or the respondent or a minor child residing in the
15 residence or household of either the petitioner or the
16 respondent and order the respondent to stay away from the
17 animal and forbid the respondent from taking,
18 transferring, encumbering, concealing, harming, or
19 otherwise disposing of the animal.

20 (12) Order for payment of support. Order respondent to
21 pay temporary support for the petitioner or any child in
22 the petitioner's care or custody, when the respondent has a
23 legal obligation to support that person, in accordance with
24 the Illinois Marriage and Dissolution of Marriage Act,
25 which shall govern, among other matters, the amount of
26 support, payment through the clerk and withholding of

1 income to secure payment. An order for child support may be
2 granted to a petitioner with lawful physical care or
3 custody of a child, or an order or agreement for physical
4 care or custody, prior to entry of an order for legal
5 custody. Such a support order shall expire upon entry of a
6 valid order granting legal custody to another, unless
7 otherwise provided in the custody order.

8 (13) Order for payment of losses. Order respondent to
9 pay petitioner for losses suffered as a direct result of
10 the abuse. Such losses shall include, but not be limited
11 to, medical expenses, lost earnings or other support,
12 repair or replacement of property damaged or taken,
13 reasonable attorney's fees, court costs and moving or other
14 travel expenses, including additional reasonable expenses
15 for temporary shelter and restaurant meals.

16 (i) Losses affecting family needs. If a party is
17 entitled to seek maintenance, child support or
18 property distribution from the other party under the
19 Illinois Marriage and Dissolution of Marriage Act, as
20 now or hereafter amended, the court may order
21 respondent to reimburse petitioner's actual losses, to
22 the extent that such reimbursement would be
23 "appropriate temporary relief", as authorized by
24 subsection (a) (3) of Section 501 of that Act.

25 (ii) Recovery of expenses. In the case of an
26 improper concealment or removal of a minor child, the

1 court may order respondent to pay the reasonable
2 expenses incurred or to be incurred in the search for
3 and recovery of the minor child, including but not
4 limited to legal fees, court costs, private
5 investigator fees, and travel costs.

6 (14) Prohibition of entry. Prohibit the respondent
7 from entering or remaining in the residence or household
8 while the respondent is under the influence of alcohol or
9 drugs and constitutes a threat to the safety and well-being
10 of the petitioner or the petitioner's children.

11 (14.5) Prohibition of firearm possession.

12 (A) A person who is subject to an existing order of
13 protection, interim order of protection, emergency
14 order of protection, or plenary order of protection,
15 issued under this Code may not lawfully possess weapons
16 under Section 8.2 of the Firearm Owners Identification
17 Card Act.

18 ~~(a) Prohibit a respondent against whom an~~
19 ~~order of protection was issued from possessing any~~
20 ~~firearms during the duration of the order if the order:~~

21 ~~(1) was issued after a hearing of which such~~
22 ~~person received actual notice, and at which such~~
23 ~~person had an opportunity to participate;~~

24 ~~(2) restrains such person from harassing,~~
25 ~~stalking, or threatening an intimate partner of~~
26 ~~such person or child of such intimate partner or~~
~~person, or engaging in other conduct that would~~

1 ~~place an intimate partner in reasonable fear of~~
2 ~~bodily injury to the partner or child; and~~

3 ~~(3) (i) includes a finding that such person~~
4 ~~represents a credible threat to the physical~~
5 ~~safety of such intimate partner or child; or (ii)~~
6 ~~by its terms explicitly prohibits the use,~~
7 ~~attempted use, or threatened use of physical force~~
8 ~~against such intimate partner or child that would~~
9 ~~reasonably be expected to cause bodily injury.~~

10 (B) Any firearms in the possession of the respondent,
11 except as provided in subparagraph (C) of this
12 paragraph (14.5) subsection (b), shall be ordered by
13 the court to be turned over to a person with a valid
14 Firearm Owner's Identification Card ~~the local law~~
15 ~~enforcement agency~~ for safekeeping. The court shall
16 issue an order that the respondent's Firearm Owner's
17 Identification Card be turned over to the local law
18 enforcement agency, which in turn shall immediately
19 mail the card to the Department of State Police Firearm
20 Owner's Identification Card Office for safekeeping.
21 The period of safekeeping shall be for the duration of
22 the order of protection. The firearm or firearms and
23 Firearm Owner's Identification Card, if unexpired,
24 shall at the respondent's request be returned to the
25 respondent at expiration of the order of protection.

26 (C) ~~(b)~~ If the respondent is a peace officer as

1 defined in Section 2-13 of the Criminal Code of 2012,
2 the court shall order that any firearms used by the
3 respondent in the performance of his or her duties as a
4 peace officer be surrendered to the chief law
5 enforcement executive of the agency in which the
6 respondent is employed, who shall retain the firearms
7 for safekeeping for the duration of the order of
8 protection.

9 (D) ~~(e)~~ Upon expiration of the period of
10 safekeeping, if the firearms or Firearm Owner's
11 Identification Card cannot be returned to respondent
12 because respondent cannot be located, fails to respond
13 to requests to retrieve the firearms, or is not
14 lawfully eligible to possess a firearm, upon petition
15 from the local law enforcement agency, the court may
16 order the local law enforcement agency to destroy the
17 firearms, use the firearms for training purposes, or
18 for any other application as deemed appropriate by the
19 local law enforcement agency; or that the firearms be
20 turned over to a third party who is lawfully eligible
21 to possess firearms, and who does not reside with
22 respondent.

23 (15) Prohibition of access to records. If an order of
24 protection prohibits respondent from having contact with
25 the minor child, or if petitioner's address is omitted
26 under subsection (b) of Section 112A-5, or if necessary to

1 prevent abuse or wrongful removal or concealment of a minor
2 child, the order shall deny respondent access to, and
3 prohibit respondent from inspecting, obtaining, or
4 attempting to inspect or obtain, school or any other
5 records of the minor child who is in the care of
6 petitioner.

7 (16) Order for payment of shelter services. Order
8 respondent to reimburse a shelter providing temporary
9 housing and counseling services to the petitioner for the
10 cost of the services, as certified by the shelter and
11 deemed reasonable by the court.

12 (17) Order for injunctive relief. Enter injunctive
13 relief necessary or appropriate to prevent further abuse of
14 a family or household member or to effectuate one of the
15 granted remedies, if supported by the balance of hardships.
16 If the harm to be prevented by the injunction is abuse or
17 any other harm that one of the remedies listed in
18 paragraphs (1) through (16) of this subsection is designed
19 to prevent, no further evidence is necessary to establish
20 that the harm is an irreparable injury.

21 (c) Relevant factors; findings.

22 (1) In determining whether to grant a specific remedy,
23 other than payment of support, the court shall consider
24 relevant factors, including but not limited to the
25 following:

26 (i) the nature, frequency, severity, pattern and

1 consequences of the respondent's past abuse of the
2 petitioner or any family or household member,
3 including the concealment of his or her location in
4 order to evade service of process or notice, and the
5 likelihood of danger of future abuse to petitioner or
6 any member of petitioner's or respondent's family or
7 household; and

8 (ii) the danger that any minor child will be abused
9 or neglected or improperly removed from the
10 jurisdiction, improperly concealed within the State or
11 improperly separated from the child's primary
12 caretaker.

13 (2) In comparing relative hardships resulting to the
14 parties from loss of possession of the family home, the
15 court shall consider relevant factors, including but not
16 limited to the following:

17 (i) availability, accessibility, cost, safety,
18 adequacy, location and other characteristics of
19 alternate housing for each party and any minor child or
20 dependent adult in the party's care;

21 (ii) the effect on the party's employment; and

22 (iii) the effect on the relationship of the party,
23 and any minor child or dependent adult in the party's
24 care, to family, school, church and community.

25 (3) Subject to the exceptions set forth in paragraph
26 (4) of this subsection, the court shall make its findings

1 in an official record or in writing, and shall at a minimum
2 set forth the following:

3 (i) That the court has considered the applicable
4 relevant factors described in paragraphs (1) and (2) of
5 this subsection.

6 (ii) Whether the conduct or actions of respondent,
7 unless prohibited, will likely cause irreparable harm
8 or continued abuse.

9 (iii) Whether it is necessary to grant the
10 requested relief in order to protect petitioner or
11 other alleged abused persons.

12 (4) For purposes of issuing an ex parte emergency order
13 of protection, the court, as an alternative to or as a
14 supplement to making the findings described in paragraphs
15 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
16 the following procedure:

17 When a verified petition for an emergency order of
18 protection in accordance with the requirements of Sections
19 112A-5 and 112A-17 is presented to the court, the court
20 shall examine petitioner on oath or affirmation. An
21 emergency order of protection shall be issued by the court
22 if it appears from the contents of the petition and the
23 examination of petitioner that the averments are
24 sufficient to indicate abuse by respondent and to support
25 the granting of relief under the issuance of the emergency
26 order of protection.

1 (5) Never married parties. No rights or
2 responsibilities for a minor child born outside of marriage
3 attach to a putative father until a father and child
4 relationship has been established under the Illinois
5 Parentage Act of 1984. Absent such an adjudication, no
6 putative father shall be granted temporary custody of the
7 minor child, visitation with the minor child, or physical
8 care and possession of the minor child, nor shall an order
9 of payment for support of the minor child be entered.

10 (d) Balance of hardships; findings. If the court finds that
11 the balance of hardships does not support the granting of a
12 remedy governed by paragraph (2), (3), (10), (11), or (16) of
13 subsection (b) of this Section, which may require such
14 balancing, the court's findings shall so indicate and shall
15 include a finding as to whether granting the remedy will result
16 in hardship to respondent that would substantially outweigh the
17 hardship to petitioner from denial of the remedy. The findings
18 shall be an official record or in writing.

19 (e) Denial of remedies. Denial of any remedy shall not be
20 based, in whole or in part, on evidence that:

21 (1) Respondent has cause for any use of force, unless
22 that cause satisfies the standards for justifiable use of
23 force provided by Article 7 of the Criminal Code of 2012;

24 (2) Respondent was voluntarily intoxicated;

25 (3) Petitioner acted in self-defense or defense of
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article 7 of the Criminal Code
2 of 2012;

3 (4) Petitioner did not act in self-defense or defense
4 of another;

5 (5) Petitioner left the residence or household to avoid
6 further abuse by respondent;

7 (6) Petitioner did not leave the residence or household
8 to avoid further abuse by respondent;

9 (7) Conduct by any family or household member excused
10 the abuse by respondent, unless that same conduct would
11 have excused such abuse if the parties had not been family
12 or household members.

13 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
14 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.
15 1-25-13.)

16 Section 165. The Mental Health and Developmental
17 Disabilities Confidentiality Act is amended by changing
18 Section 12 as follows:

19 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

20 Sec. 12. (a) If the United States Secret Service or the
21 Department of State Police requests information from a mental
22 health or developmental disability facility, as defined in
23 Section 1-107 and 1-114 of the Mental Health and Developmental
24 Disabilities Code, relating to a specific recipient and the

1 facility director determines that disclosure of such
2 information may be necessary to protect the life of, or to
3 prevent the infliction of great bodily harm to, a public
4 official, or a person under the protection of the United States
5 Secret Service, only the following information may be
6 disclosed: the recipient's name, address, and age and the date
7 of any admission to or discharge from a facility; and any
8 information which would indicate whether or not the recipient
9 has a history of violence or presents a danger of violence to
10 the person under protection. Any information so disclosed shall
11 be used for investigative purposes only and shall not be
12 publicly disseminated. Any person participating in good faith
13 in the disclosure of such information in accordance with this
14 provision shall have immunity from any liability, civil,
15 criminal or otherwise, if such information is disclosed relying
16 upon the representation of an officer of the United States
17 Secret Service or the Department of State Police that a person
18 is under the protection of the United States Secret Service or
19 is a public official.

20 For the purpose of this subsection (a), the term "public
21 official" means the Governor, Lieutenant Governor, Attorney
22 General, Secretary of State, State Comptroller, State
23 Treasurer, member of the General Assembly, member of the United
24 States Congress, Judge of the United States as defined in 28
25 U.S.C. 451, Justice of the United States as defined in 28
26 U.S.C. 451, United States Magistrate Judge as defined in 28

1 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
2 Supreme, Appellate, Circuit, or Associate Judge of the State of
3 Illinois. The term shall also include the spouse, child or
4 children of a public official.

5 (b) The Department of Human Services (acting as successor
6 to the Department of Mental Health and Developmental
7 Disabilities) and all public or private hospitals and mental
8 health facilities are required, as hereafter described in this
9 subsection, to furnish the Department of State Police only such
10 information as may be required for the sole purpose of
11 determining whether an individual who may be or may have been a
12 patient is disqualified because of that status from receiving
13 or retaining a Firearm Owner's Identification Card because that
14 patient is determined to pose a clear and present danger to
15 himself, herself or others, is determined to have a
16 developmental disability, or falls within the federal
17 prohibitors in ~~under subsection (e) or (f) of Section 8 of the~~
18 ~~Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and~~
19 (n). All physicians, clinical psychologists, or qualified
20 examiners at public or private hospitals and mental health
21 facilities or parts thereof as defined in this subsection
22 shall, in the form and manner required by the Department,
23 provide notice directly to the Department of Human Services, or
24 to his or her employer who shall then report to the Department,
25 within 24 hours after determining that a patient as described
26 in clause (2) of the definition of "patient" in Section 1.1 of

1 the Firearm Owners Identification Card Act poses a clear and
2 present danger to himself, herself, or others, or is determined
3 to have a developmental disability ~~such information as shall be~~
4 ~~necessary for the Department to comply with the reporting~~
5 ~~requirements to the Department of State Police. This~~ Such
6 information shall be furnished within 24 hours after the
7 physician, clinical psychologist, or qualified examiner has
8 made a determination, or within 7 days after admission to a
9 public or private hospital or mental health facility or the
10 provision of services to a patient described in clause (1) of
11 the definition of "patient" in Section 1.1 of the Firearm
12 Owners Identification Card Act ~~clause (2) of this subsection~~
13 ~~(b)~~. Any such information disclosed under this subsection shall
14 remain privileged and confidential, and shall not be
15 redisclosed, except as required by subsection (e) ~~clause (e)(2)~~
16 of Section 3.1 of the Firearm Owners Identification Card Act,
17 nor utilized for any other purpose. The method of requiring the
18 providing of such information shall guarantee that no
19 information is released beyond what is necessary for this
20 purpose. In addition, the information disclosed shall be
21 provided by the Department within the time period established
22 by Section 24-3 of the Criminal Code of 2012 regarding the
23 delivery of firearms. The method used shall be sufficient to
24 provide the necessary information within the prescribed time
25 period, which may include periodically providing lists to the
26 Department of Human Services or any public or private hospital

1 or mental health facility of Firearm Owner's Identification
2 Card applicants on which the Department or hospital shall
3 indicate the identities of those individuals who are to its
4 knowledge disqualified from having a Firearm Owner's
5 Identification Card for reasons described herein. The
6 Department may provide for a centralized source of information
7 for the State on this subject under its jurisdiction. The
8 identity of the person reporting under this subsection shall
9 not be disclosed to the subject of the report. For the purposes
10 of this subsection, the physician, clinical psychologist, or
11 qualified examiner making the determination and his or her
12 employer shall not be held criminally, civilly, or
13 professionally liable for making or not making the notification
14 required under this subsection, except for willful or wanton
15 misconduct.

16 Any person, institution, or agency, under this Act,
17 participating in good faith in the reporting or disclosure of
18 records and communications otherwise in accordance with this
19 provision or with rules, regulations or guidelines issued by
20 the Department shall have immunity from any liability, civil,
21 criminal or otherwise, that might result by reason of the
22 action. For the purpose of any proceeding, civil or criminal,
23 arising out of a report or disclosure in accordance with this
24 provision, the good faith of any person, institution, or agency
25 so reporting or disclosing shall be presumed. The full extent
26 of the immunity provided in this subsection (b) shall apply to

1 any person, institution or agency that fails to make a report
2 or disclosure in the good faith belief that the report or
3 disclosure would violate federal regulations governing the
4 confidentiality of alcohol and drug abuse patient records
5 implementing 42 U.S.C. 290dd-3 and 290ee-3.

6 For purposes of this subsection (b) only, the following
7 terms shall have the meaning prescribed:

8 (1) (Blank). ~~"Hospital" means only that type of~~
9 ~~institution which is providing full-time residential~~
10 ~~facilities and treatment.~~

11 (1.3) "Clear and present danger" has the meaning as
12 defined in Section 1.1 of the Firearm Owners Identification
13 Card Act.

14 (1.5) "Developmental disability" means a disability
15 which is attributable to an intellectual disability or any
16 other condition which results in impairment similar to that
17 caused by an intellectual disability and which requires
18 services similar to those required by intellectually
19 disabled persons. The disability must originate before the
20 age of 18 years, be expected to continue indefinitely, and
21 constitute a substantial handicap.

22 (2) "Patient" has the meaning as defined in Section 1.1
23 of the Firearm Owners Identification Card Act ~~shall include~~
24 ~~only: (i) a person who is an in-patient or resident of any~~
25 ~~public or private hospital or mental health facility or~~
26 ~~(ii) a person who is an out-patient or provided services by~~

1 ~~a public or private hospital or mental health facility~~
2 ~~whose mental condition is of such a nature that it is~~
3 ~~manifested by violent, suicidal, threatening, or~~
4 ~~assaultive behavior or reported behavior, for which there~~
5 ~~is a reasonable belief by a physician, clinical~~
6 ~~psychologist, or qualified examiner that the condition~~
7 ~~poses a clear and present or imminent danger to the~~
8 ~~patient, any other person or the community meaning the~~
9 ~~patient's condition poses a clear and present danger in~~
10 ~~accordance with subsection (f) of Section 8 of the Firearm~~
11 ~~Owners Identification Card Act. The terms physician,~~
12 ~~clinical psychologist, and qualified examiner are defined~~
13 ~~in Sections 1-120, 1-103, and 1-122 of the Mental Health~~
14 ~~and Developmental Disabilities Code.~~

15 (3) "Mental health facility" has the meaning as defined
16 in Section 1.1 of the Firearm Owners Identification Card
17 Act ~~is defined by Section 1-114 of the Mental Health and~~
18 ~~Developmental Disabilities Code.~~

19 (c) Upon the request of a peace officer who takes a person
20 into custody and transports such person to a mental health or
21 developmental disability facility pursuant to Section 3-606 or
22 4-404 of the Mental Health and Developmental Disabilities Code
23 or who transports a person from such facility, a facility
24 director shall furnish said peace officer the name, address,
25 age and name of the nearest relative of the person transported
26 to or from the mental health or developmental disability

1 facility. In no case shall the facility director disclose to
2 the peace officer any information relating to the diagnosis,
3 treatment or evaluation of the person's mental or physical
4 health.

5 For the purposes of this subsection (c), the terms "mental
6 health or developmental disability facility", "peace officer"
7 and "facility director" shall have the meanings ascribed to
8 them in the Mental Health and Developmental Disabilities Code.

9 (d) Upon the request of a peace officer or prosecuting
10 authority who is conducting a bona fide investigation of a
11 criminal offense, or attempting to apprehend a fugitive from
12 justice, a facility director may disclose whether a person is
13 present at the facility. Upon request of a peace officer or
14 prosecuting authority who has a valid forcible felony warrant
15 issued, a facility director shall disclose: (1) whether the
16 person who is the subject of the warrant is present at the
17 facility and (2) the date of that person's discharge or future
18 discharge from the facility. The requesting peace officer or
19 prosecuting authority must furnish a case number and the
20 purpose of the investigation or an outstanding arrest warrant
21 at the time of the request. Any person, institution, or agency
22 participating in good faith in disclosing such information in
23 accordance with this subsection (d) is immune from any
24 liability, civil, criminal or otherwise, that might result by
25 reason of the action.

26 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

1 Section 195. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.".